

Section II

Downtown Zoning and Development Standards

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1. IMPLEMENTATION PROPOSAL – ZONING

WHAT IS ZONING?

Zoning is a law adopted by local governments to protect the public health, safety and welfare by defining compatible and incompatible uses, establishing the density/intensity of development for adequate light, air, infrastructure, and maintaining the character of established districts. Zoning divides the regulated land into several classifications or zones in order to identify the following types of regulations for each zone:

- **Allowable Uses of a Site.** Zoning regulations delineate which uses are and are not allowable within a defined area.
- **A Structure's Size.** Zoning regulations control a structure's size by imposing requirements on a structure's height and width among others.
- **A Structure's Location on a Lot.** Building placement on a lot is regulated through setback standards, intended to accomplish many purposes depending on the nature of the zoning district: light, air, consistent streetscape, and others.

A letter followed by a number typically delineates different zones within a municipality (e.g., R-4, NB, RB, etc.). The letter indicates the category of district. Examples include B for Business and R for residential. The number often indicates the density of allowable development, with higher numbers generally denoting greater densities (units per acre). The classification codes are placed on a map, which applies to all parcels/lots in the defined district.

WHAT IS THE RELATIONSHIP OF ZONING TO THE COMPREHENSIVE PLAN?

A Comprehensive Plan provides the vision, goals and policies of the community both in written and map form to direct the allocation of resources and guide the preparation of rules and regulations to achieve the Plan's vision, goals, and policies. Zoning is a tool to implement the Comprehensive Plan vision for land use and character of development. Zoning may be more specific in terms of districts and standards than the Comprehensive Plan, but Zoning must be consistent with the Comprehensive Plan.

As a result of the Downtown Plan and the opportunity to review land use and policy more closely, zoning changes have been considered, leading to concurrent Comprehensive Plan Amendments to assure consistency.

WHAT IS THE RELATIONSHIP OF ZONING TO DESIGN GUIDELINES?

In another task of the Kenmore Downtown Plan the design qualities of structures and site development in Downtown are addressed (see *Section III*). While zoning may define a building's maximum envelope (height and width), design guidelines direct building quality and design features. Design guidelines often address the modulation/variation in building walls and rooflines, color and texture of materials, relationship of buildings to streets, etc. Design guidelines and zoning need to be compatible and

consistent with each other, as well as consistent with the Comprehensive Plan. Design guidelines, like zoning, are another tool to implement the Comprehensive Plan vision, goals, and policies.

OVERVIEW OF ZONING PROPOSAL

The Zoning Proposal is divided into three parts: 1) Zone boundaries, 2) Zone-specific standards; and 3) General standards applicable to more than one zone. These parts are described in *Section II-1* with detailed proposals for zone-specific and general standards located in *Section II-2 and II-3* of this document.

Zone Boundaries

With few exceptions the Kenmore Comprehensive Plan future land use map retained the zoning pattern inherited from King County for the Kenmore Downtown area. This is largely because the zoning pattern recognizes Kenmore as an activity center where there would be a concentration of commercial and high-density residential uses. The Kenmore community continued to support the basic concept but refined it in the March 2001 Comprehensive Plan to prioritize locations for City investment in civic uses and to identify differing characters in the Downtown with Special Districts (see **Figure 4**): Downtown Community District with a community-scale of development on the north side of SR-522 and 68th Avenue NE, and Downtown Master Plan District with a regional scale of development south of SR-522 at 68th Avenue NE. Additionally, a Transportation Coordination District further defined transit investment, transit supportive development, and streetscape character of SR-522 between the other Downtown Community and Downtown Master Plan Special Districts.

The zoning to implement the Comprehensive Plan would respond to the Comprehensive Plan direction for the scale and type of uses envisioned (regional versus local) and provide for orderly and compatible development patterns in the Downtown.

In carrying out its duties to zone land, the City may study and amend areawide zoning. Changing zones in the Downtown results in a need to look at the consistency and compatibility in the periphery.

Downtown Zoning Map

Figure 5 in *Section I-4* presents the developed Existing Land Uses in the Downtown area (as of 1999). **Figure 11** shows the Interim Zoning inherited from King County. **Figure 12** presents the March 2001 adopted Land Use Plan map from the Comprehensive Plan which identifies future land uses (at a level of detail similar to a zoning map), and which would direct changes in zoning and modify the Interim Zoning where different. **Figures 13 and 14** present a land use plan/zoning alternative for the Downtown to largely implement the Special Districts outlined on **Figure 4**. The Alternative mapping proposal in **Figures 13 and 14** can be described as follows:

- **Simplified District Classifications:** The more complex form of having base districts (e.g. RB, R-48) and overlay districts (e.g. Downtown Community District with special standards that modify or supplement the base zones) would be replaced with new base zones that incorporate the relevant ideas of the overlay districts. **Figure 15** shows some of the current overlay districts that could be replaced. This simplifies the application of zoning to properties in this area since fewer layers of regulations do not need to be reviewed. Also, with the new base zones essentially fulfilling the purpose of the Comprehensive Plan Special Districts, the Special Districts would no longer be needed (e.g. Transportation Coordination).

- **Residential Zoning:** With the new base districts, the R-48 zone, which is largely only applied along NE 185th Street and NE 182nd Street, would be changed to a category of Downtown Residential (DR; 18 to 48 units per acre, with up to 72 units per acre with bonuses).⁴ The R-24 and R-18 zones applied to the existing Park-and-Ride (Master Plan Alternatives range from 14 du/ac to 67 du/ac for this location) and existing multifamily property (existing density 21 du/ac) west of 68th Avenue NE would also be changed to DR. To meet the Comprehensive Plan policies for a transition of densities and scales, properties to the north, west and east of the DR District retain zoning classifications of R-24, R-18 and R-12.

There is only one other property zoned R-48 in the City currently along NE 175th Street near Swamp Creek Park. However, special conditions (P-Suffix NS-P9) applied to the property have limited the property to only 24 units per acre, and the site is already developed. The proposal in this location along NE 175th Street is to reclassify the R-48 property as R-24.

The new Downtown Residential (DR) zone classification fine tunes the approach of the Comprehensive Plan and if ultimately accepted, will require amendment of the Comprehensive Plan Land Use map for consistency.

- **Commercial Zoning:** In original King County zoning the Regional Business zone (RB) applies to much of the Downtown area and beyond on SR-522. This is a zone which allows for a range of commercial uses, regional and local, and which responds to the location of a highway by allowing for auto-oriented uses. To address the need to have a pedestrian-friendly character to the Downtown, a Pedestrian Oriented P-Suffix condition has been applied to many properties along NE 181st Street as well as other areas in Kenmore. To reduce the layers of complexity, and respond to the vision of the Comprehensive Plan for a vital pedestrian friendly and community scale pattern on the north side of SR-522 at 68th Street, a new district would be created to replace the RB zone and Pedestrian Oriented Overlay in these areas: Downtown Commercial (DC).⁴

At 65th Avenue NE north of 181st Street, the RB classification applied to medical clinics would be changed to the Neighborhood Business (NB) zone which accommodates these existing uses and recognizes the need for compatibility with the surrounding residential neighborhood by limiting the range of commercial activities allowed in the area. Along 68th Avenue NE north of the Northshore Utility District offices a mini-storage development is zoned RB. With the new DC zone replacing the RB zone further south, the mini-storage RB site would now be an “island”. Recognizing the current use and surrounding uses, it is recommended that the site be redesignated R-24 similar to other adjacent properties, which would mean that the mini-storage would become nonconforming.

The new Downtown Commercial Zone would also replace the Office Zone near 73rd Avenue NE and NE 181st Street. This is a small zone applied to limit the possibility of some outdoor commercial activities in comparison to the RB zone. However since the Downtown Commercial zone would effectively limit outdoor commercial activities, and still allow for office uses as well as other community-scale pedestrian oriented uses, a separate office zone is not needed. There is a property with an existing contracting office behind a multifamily development along NE 175th Street. This use is zoned Office because the zone allows for offices, accommodating contractor offices. Because the Office zone is applied to a single property in this area (treating a single property different than the surrounding properties) and because a portion of the lot containing the business is also in multi-family use, the proposal is to remove the Office zone in this location and apply the R-24 zone. The R-24

⁴ While the Kenmore Land Use Plan in the Comprehensive Plan will reflect the change from R-48 to DR and RB to DC, on an interim basis the Murphy's Auction property fronting NE 182nd Street will have its current zoning, pending additional City review.

zone will be amended to allow small-scale offices, which means the current use and similar uses would be allowed, retaining the mix of uses historically allowed on the property.

Last, for a consistent classification scheme in the areas currently identified in Downtown Special Districts, the Park-and-Ride classified as Public and Private Institution along SR-522 east of 73rd Avenue NE would be reclassified as Downtown Commercial. In most of the Downtown Special Districts, government properties were not classified with the Public and Private Institution classification, and this change to the Park-and-Ride would be consistent with that approach. Also, the Park-and-Ride is expanding to adjacent parcels, currently commercial in nature, and the new zone allows for more flexibility.

As with the recommended Downtown Residential zone, the Downtown Commercial zone classification fine tunes the approach of the Comprehensive Plan and if ultimately accepted, will require amendment of the Comprehensive Plan Land Use map for consistency.

- **Regional Business:** The ultimate goal for the City is to promote a mixed-use and regionally-oriented district south of SR-522 that is master planned to achieve a coordinated and successful development, supportive of the Downtown vicinity and an asset for the community. As much as possible the area south of SR-522 should be treated in a manner that will eventually allow for a cohesive and consistent approach in zoning classification and standards. On the south side of SR-522 at 68th Street NE the proposed zoning map would apply Regional Business contiguous with the Comprehensive Plan Downtown Master Plan Special District. In this district the special conditions (P-Suffix or overlay) that apply to the LakePointe site (the portion that has been approved with a Commercial Site Development Permit) and portions of the Plywood Supply property south of NE 175th Street would essentially be intact at least in the near term. **Figure 15** identifies the properties with and without P-Suffix conditions in the Downtown vicinity.

An approach that is consistent with the Comprehensive Plan and recognizes the need for re-evaluation of conditions as applied to P-Suffix properties like Plywood Supply would include the following:

1. Ultimate Aim: Establish a Regional Business District with a Customized Master Plan Process.
2. Approach:
 - a. Properties with No P-Suffix south of SR-522: RB classification; existing legal allowances as needed and compliance with Kenmore Downtown Design Standards. The Regional Business (RB) zone would be more permissive than the Downtown Commercial (DC) zone (which applies more aspects of the Pedestrian Oriented Overlay use provisions) for the following uses: Automotive Repair, Automotive Service, Motor Vehicle Sales, Construction and Trade and some light manufacturing uses (conditionally allowed). Fewer “existing legal” allowances described below would need to be made in the RB zone than in the recommended DC zone.
 - b. Properties with P-Suffix: RB classification and standards as follows:
 - i. Interim Standards: In the interim retain P-Suffix and Special Overlay (SO) District requirements until there is a new set of Master Plan requirements.
 - ii. Near Term Implementation: Work with the Plywood Supply Property Owner through a public process to develop a new set of master plan guidelines that would achieve City and Property owner goals for the property and district and allow removal of Interim/Current

property development requirements. From the City's perspective, a key requirement would likely be the continuation of a Downtown Loop Road through the property consistent with the Transportation Element, and other significant issues would include, but are not limited to, public access to the shoreline, and view corridors.

- c. Properties with Vested Permits: RB classification, and retention of current Commercial Site Development conditions and P-Suffix conditions. If permits expire or are withdrawn, then the property shall follow a process for updating development conditions as in Section "b" above.
- **Other – Murphy's Auction:** While the Kenmore Comprehensive Land Use Plan will reflect the change in zoning classifications outlined above for the area north of SR-522 (from R-48 to DR and from RB to DC), on an interim basis the Murphy's Auction property fronting NE 182nd Street would retain zoning applied originally through King County, pending additional City review and discussion with the property owner.

Zone-Specific Standards

In *Section II-2*, zone-specific uses and development standards are presented and upon acceptance, would amend the Kenmore Municipal Regulations. An overview of the zoning approach is described below.

Allowed Uses

The recommended permitted uses of the Downtown Commercial and Downtown Residential zones would alter the permitted uses of the currently applied zones. In the case of the Downtown Commercial Zone, there is a reduction in allowances for new auto-oriented uses such as gas stations and auto repair/service. In the Downtown Residential District new mobile home parks and single family uses would not be allowed in order to assure that the higher density multifamily vision for this area (supporting the Downtown Commercial district) is achieved. The uses and activities are sorted into several categories/types:

- **Permitted:** Land uses allowed outright within a zone.
- **Conditionally Permitted:** Uses with special characteristics that may not generally be appropriate within a zoning district, but may be permitted with a conditional use permit subject to review by the reviewing official (e.g. City staff or Hearing Examiner) to establish conditions to protect public health, safety and welfare.
- **Prohibited:** Prohibited uses are those that are not specifically enumerated or interpreted as permitted or conditionally permitted or otherwise allowed in that district.

Any use that becomes prohibited in a zone would result in any existing uses of that type becoming nonconforming. Nonconforming uses are lawful uses of land that do not comply with the current use regulations (permitted, conditionally permitted, etc.) for its zone, but which complied with applicable regulations at the time the use was established. Nonconforming use regulations typically limit how much a nonconforming use may change, expand, or rebuild including a 10% building cap. [Note: The list of prohibited uses in this report is not exhaustive but rather identifies those uses that are incompatible with the intent of the zone and which if not clearly identified as prohibited are likely to be established (given market forces in those areas)].

- **Existing Legal:** Existing Legal status means that those lawfully established uses are considered to be a Permitted Use given all the rights of other permitted uses within the district. In addition, these uses may be rebuilt ‘as is, where is’ should they suffer damage. These uses may be remodeled without limitation on value and may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.), unless otherwise specifically conditioned.

This type of classification added to a use typically means that no new uses of this type are allowed, but existing ones are permitted and have more options for changing, expanding or rebuilding compared to nonconforming uses (e.g. not limited to the 10% expansion cap). There would be limitations: if the existing, legal use is changed to a different use, or if it were abandoned for a year, the “existing, legal” status would go away but abandonment criteria would recognize extenuating circumstances. An example of existing legal allowances would include auto service/repair and gas stations fronting SR-522 in the DC zone.

Interpretation

The Downtown Zoning Proposal attempts to simplify the list of permitted, conditional and prohibited uses in comparison to the standard (King County) permitted use matrices and list of conditions (e.g. definition of retail is broadened in this proposal to avoid spelling out numerous possibilities). This simplification will require some judgment by the administering staff, and therefore rules of interpretation should be strengthened to assure the intents of the zones are met. The recommended zoning approach includes amended rules of interpretation.

Presentation of Section II-2 Zoning Proposal

The **Section II, Part 2** Zoning Proposal attempts to present the list of uses and development standards in a simplified format to understand concepts. The proposal ultimately selected by the City will be translated into formal code amendments (“legalese”).

Section II-2 Zoning District Features/Proposals

Downtown Commercial

- **Multifamily:** Stand alone multifamily projects would be allowed in the Downtown Commercial district. Suggestions for ensuring that prime commercial areas are not used for multifamily-only uses, particularly given the market demand, are to define streets/locations where stand alone residential would be acceptable. Minimum densities are added as requirements for stand-alone residential or for residential as part of a mixed use development.
- **Drive-Through Service:** Existing drive-throughs will be nonconforming in the Downtown area along NE 181st Street as they have been under existing King County zoning conditions. However, drive-throughs can be moved if the associated permitted use expands or remodels. Drive-through service would be allowed in accordance with Design Standards when fronting SR-522.
- **Auto Service, Repair, and Supply, and Gas Stations:** Given the number of gas station, auto service and repair facilities on SR-522, development of new facilities would be prohibited. Existing facilities would be considered “existing, legal” along SR-522. Locations along SR-522 outside the Downtown fully allow new development of these uses.
- **Indoor retail is promoted.** Within the DC zone, outdoor retail enterprises such as outdoor nurseries, outdoor equipment sales, lumberyards, or other similar uses are nonconforming, and new uses of this

type are prohibited. Allowances for accessory sidewalk sales are made to allow for an active pedestrian character.

- Densities, setbacks, lot coverage, etc. would recognize the future compact character of the downtown districts. A density bonus system is not recommended for the Northwest Quadrant, but is retained elsewhere. In the Northwest Quadrant, the densities in an individual location in some Master Plan alternatives (**Appendix E**) exceed the current allowed base densities (although not on an area wide basis) and the proforma results assumed that a developer would not have to buy development rights (transfer of density) or forego income (affordable housing). To achieve multiple policy objectives over the longer term, density bonuses are retained in other Downtown Quadrants. However, an affordable housing inclusionary requirement is recommended for the publicly-owned Park and Ride property in the Northwest Quadrant.

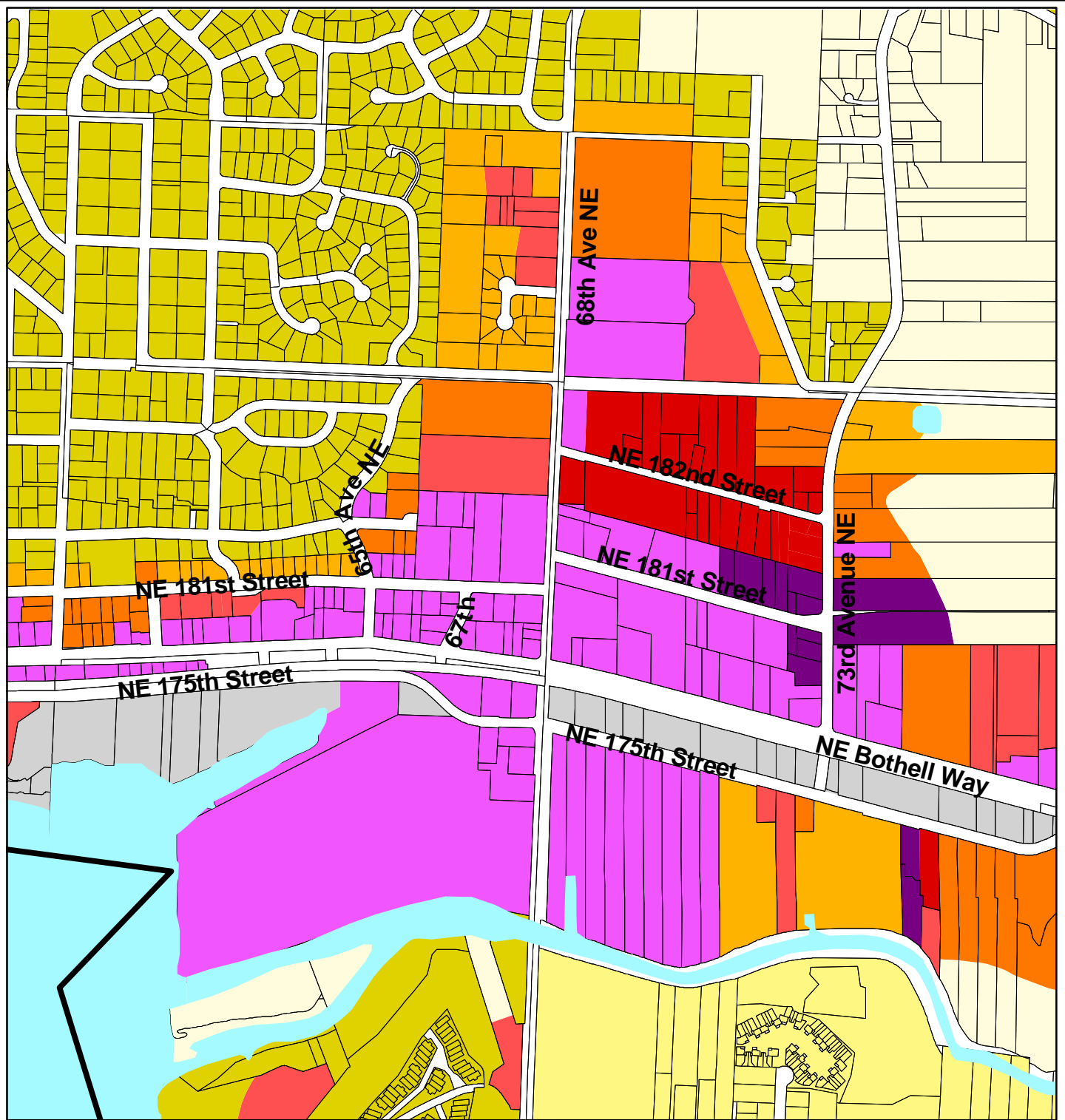
Downtown Residential

- Minimum densities are retained, but modified to address: townhome developments, mixed townhome/apartments, and apartments, with higher minimum densities for apartments to encourage a Downtown urban form promoting under-building or structured parking.
- Single Family Dwellings presently found would become existing legal. Existing Mobile Home Parks would become nonconforming (allowed to stay consistent with nonconforming regulations), but new ones could not be established. The long-term vision of the Comprehensive Plan in this area of the City is for multifamily housing in an urban setting to provide a variety of housing choices. Comprehensive Plan housing policies discuss relocation assistance:

Policy H-28.1.3 Encourage relocation assistance and replacement housing to be developed, where feasible, to help low-income households when displacement is unavoidable. For mobile home parks in particular, develop a funding pool to assist low and moderate income residents in deteriorating and obsolete mobile homes to find alternative housing in the community, or help to establish preferences in nearby housing for persons giving up their obsolete homes.

Existing legal uses may continue, rebuild, and expand. Non-conforming uses could continue and rebuild after fire/act of God and may apply for limited expansions. In either case, once abandoned, they could not be reestablished.

- Retail would be allowed only if “indoor,” and would have to be located in a mixed use building.



Legend

- City Boundary
- Parcels
- Water Body

Zoning Types

- Neighborhood Business
- Community Business
- Regional Business
- Agricultural (A-35)
- Office
- Industrial

- R# = Residential,
of units per acre
- | | |
|-----|------|
| R-1 | R-12 |
| R-4 | R-18 |
| R-6 | R-24 |
| R-8 | R-48 |



April 2003
(August 1998 Map)

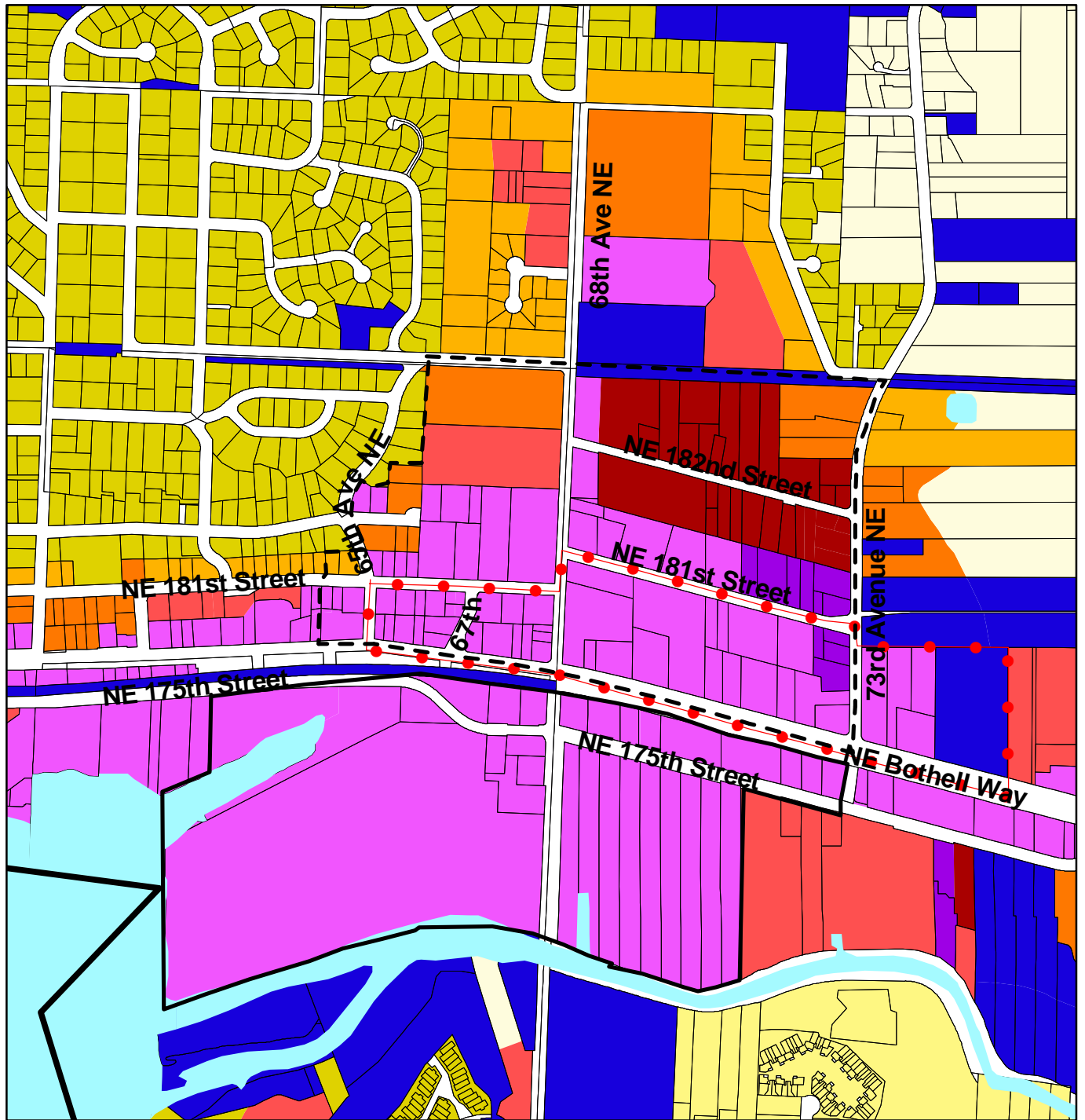
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Jones & Stokes

This map is intended for planning purposes only
and is not guaranteed to show accurate measurements.
Source: King County GIS Center, Jones & Stokes

Figure 11



Kenmore Comprehensive Land Use Plan - Current

Legend

	City Boundary		Downtown Community District
	Parcels		Transportation Coordination District
	Downtown Master Plan Development District		
Zoning Types			
	Neighborhood Business		Office
	Community Business		Public/Private Institutions
	Regional Business		Special Study Area District
R# = Residential, # of units per acre			
	R-1		R-12
	R-4		R-18
	R-6		R-24
	R-8		R-48



April 2003
(March 2001 Comprehensive Plan)

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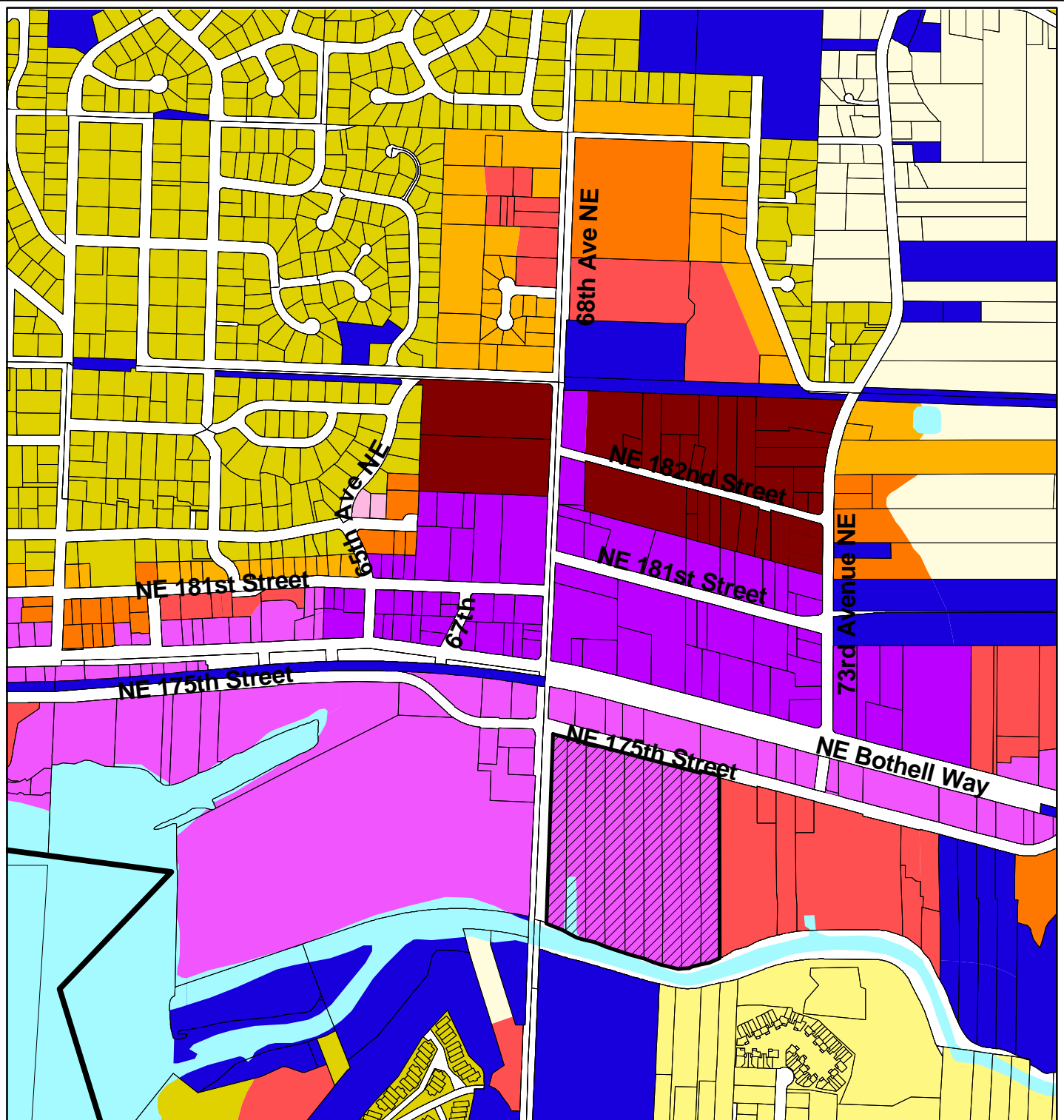


Jones & Stokes

This map is intended for planning purposes only and is not guaranteed to show accurate measurements.
Source: King County GIS Center, BWR Corp.

Note: Portions of the Tolt Pipeline and Burke-Gilman Trail occur in rights of way and not as separate parcels. However, these facilities are considered to be Public/Private Institutions along their full length.

Figure 12



Kenmore Land Use Plan - Proposed

Legend

- City Boundary
- Parcels
- Special Study Area
- Water Body

Zoning Types

- Neighborhood Business
- Community Business
- Regional Business
- Downtown Commercial
- Downtown Residential
- Public/Private Institutions

- R# = Residential,
of units per acre
- R-1
 - R-4
 - R-6
 - R-8
 - R-12
 - R-18
 - R-24



April 2003

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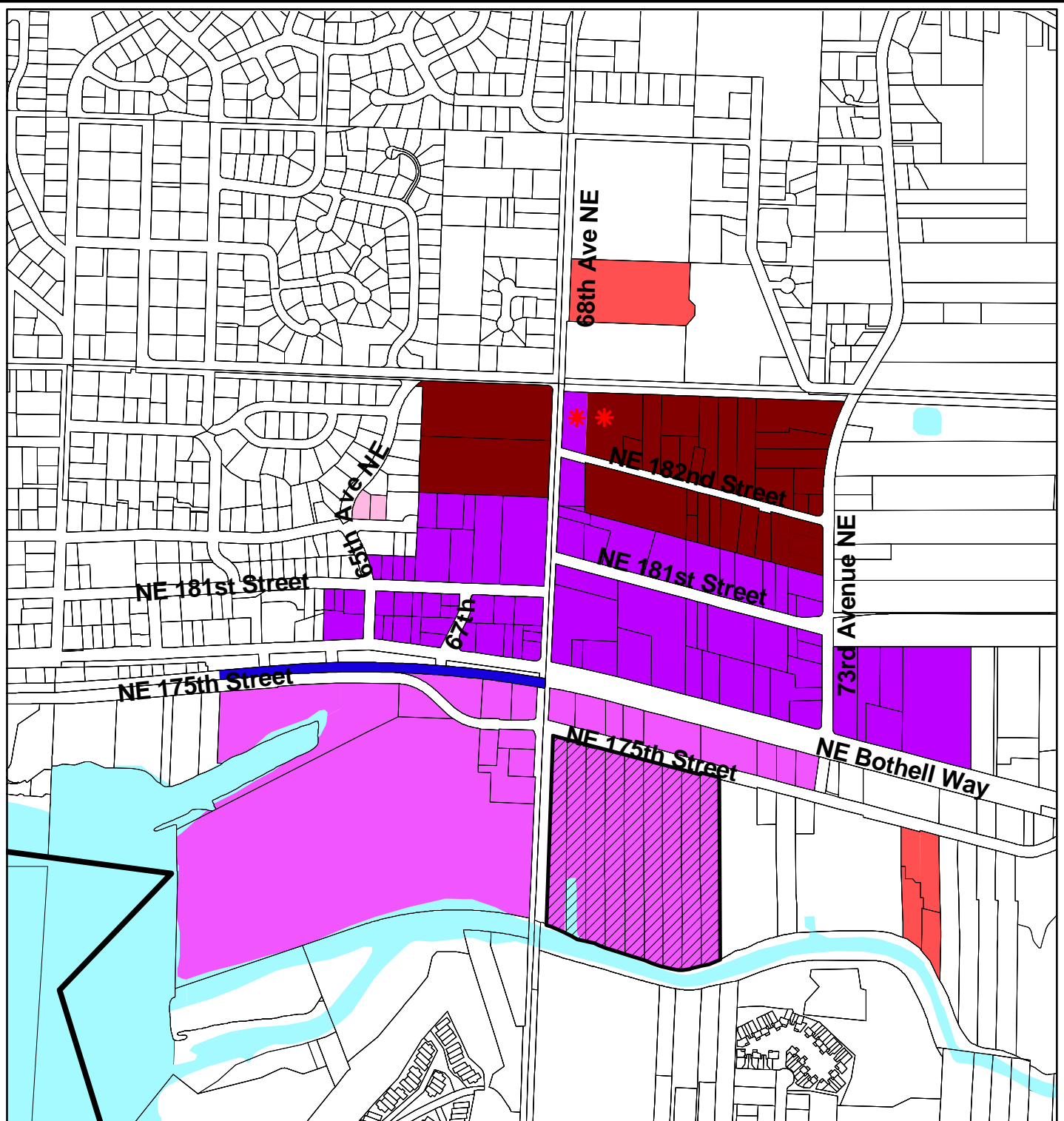


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This map is intended for planning purposes only and is not guaranteed to show accurate measurements.
Source: King County GIS Center, Jones & Stokes

Note: Portions of the Tolt Pipeline and Burke-Gilman Trail occur in rights of way and not as separate parcels. However, these facilities are considered to be Public/Private Institutions along their full length.

Figure 13



Legend

- City Boundary
- Parcels
- Special Study Area
- Water Body

Zoning Types

- Neighborhood Business
- Community Business
- Regional Business
- Downtown Commercial
- Downtown Residential
- Public/Private Institutions

R# = Residential,
of units per acre

- R-1
- R-4
- R-6
- R-8
- R-12
- R-18
- R-24



April 2003

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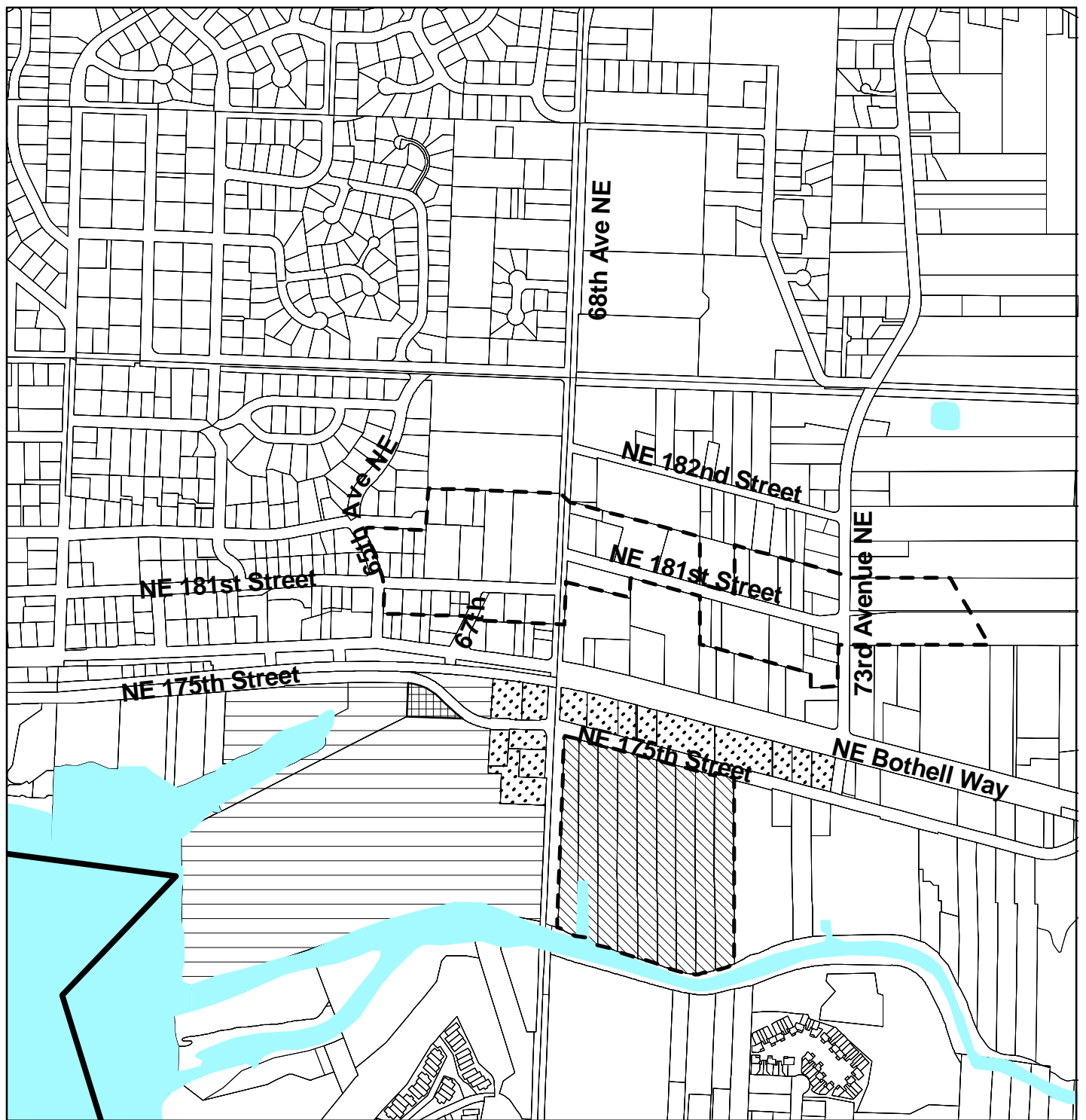
Jones & Stokes

This map is intended for planning purposes only
and is not guaranteed to show accurate measurements.
Source: King County GIS Center, Jones & Stokes

* Note: On an interim basis the RB zone and R-48 zone may implement the DC and DR land use classification on this property.

Note: Portions of the Tolt Pipeline and Burke-Gilman Trail occur in rights of way and not as separate parcels. However, these facilities are considered to be Public/Private Institutions along their full length.

Figure 14



Legend

- City Boundary
- Parcels
- Zoning Types**
- No P-Suffix
- Remove P-Suffix - Public Development Already in Place
- LakePointe (Kenmore Premix) - P-Suffix
- Plywood Supply - P-Suffix
- Pedestrian Oriented Overlay
- Water Body

Downtown Property/Overlay Conditions Map



April 2003

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This map is intended for planning purposes only
and is not guaranteed to show accurate measurements.
Source: King County GIS Center, Jones & Stokes



Jones & Stokes

Figure 15

2. USES AND STANDARDS

Section II-2 provides zone-specific use allowances and development standards for the Downtown Commercial and Downtown Residential Districts as well as corresponding changes to the Regional Business Zone R-24 zone, Transportation Coordination Special District, and Definition/Interpretation provisions. The uses and standards would meet the Comprehensive Plan direction for a community-scale mixed use district on the north side of SR-522 and a regional-scale mixed use district on the south side of SR-522. An overview of the zoning maps and zone-specific use allowances and development standards is presented in **Section II-1**, while the detailed proposal, for future integration into the municipal code, is provided below by district.

DOWNTOWN COMMERCIAL ZONE – INTENT

The Downtown Commercial zone features a mix of private and public uses designed to create a small-town feel, and pedestrian-friendly environment. Public places, sidewalks, extensive landscaping, transit-orientation, shared or structured parking, protection of environmentally sensitive areas, and high quality design and signage are key features. Permitted uses emphasize mixed or multiple use developments, and include high-density housing, civic and governmental, offices, small-scale commercial and retail, and locally oriented professional and personal services.

Uses not compatible with the Downtown Commercial Zone intent such as those which require vehicle or materials storage, service bays, wide curb cuts, expanses of exterior product display or storage, or produce little customer or visitor activity are not permitted. Park-and-Ride/Transit Centers are promoted along SR-522, particularly in the Northwest Quadrant of the 68th Avenue NE/SR-522 intersection.

DOWNTOWN COMMERCIAL ZONE –USE ALLOWANCES

The following uses listed in **Table I** are identified as permitted, conditionally permitted, or prohibited uses in the Downtown Commercial Zone. An asterisk denotes uses limited through P-Suffix conditions in parts of the Downtown Kenmore vicinity through the Pedestrian Oriented Overlay.

Table I. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (or excluded in definitions)
Artists Studios	College/University	Automotive Rental and Leasing, New Non-Accessory*
Arts and Crafts Schools/Studios	Communication Facility, Major and Minor: Only when on building; prohibit stand alone	Automotive Repair, New, Non-Accessory*
Auto Supply Stores	Community Residential Facility I or II	Automotive Service, New, Non-Accessory*
Automotive Rental and Leasing, Accessory* ¹	Fire Facility	Bulk Retail
Automotive Repair, Accessory* ¹	Helistop	Car Wash, Non-Accessory*
Automotive Repair, Existing Legal ¹⁰	Hospitals*	Construction and Trade
Automotive Service, Accessory* ¹	K-12 educational institution (public or private)	Gasoline Service Stations, New*
Automotive Service, Existing Legal ¹⁰	Medical/Dental Labs*	Indoor Storage
Bed and Breakfast Guesthouse ²	Police Facility	Interim Recycling Facility
Car Wash, Accessory* ¹		

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (or excluded in definitions)
City Government Offices and Facilities Conference Centers* Cultural Facilities Day Care Centers I and II Drive Through Service* ³ Eating and Drinking Places Gasoline Service Stations, Existing Legal General Business Services Home Occupation Hotel Medical/Dental Office/Outpatient Clinic Mobile Food Vendor ⁴ Motor Vehicle and Boat Dealers, Accessory* ¹ Multiple Family Dwelling ⁵ Off-Site Services ⁸ Outdoor Performance Center* ⁶ Outdoor Retail Display/Sidewalk Sale ⁷ Professional Offices Parking: Commuter Parking Lot or Structure*, Off-Street Required Parking Lot or Structure ⁹ Parks Private Stormwater Management Facility Recreational Facilities, Indoor Rental Services, No Outside Storage Retail Sales, Indoor Services, On-Site Social Services, Noncorrectional Taxi Stand Theater Theatrical Production Services Trails Transit Center ⁹ Veterinary Offices/Clinics: No outdoor kennels or facilities.	Public Agency or Utility Office: Non- City Religious Institutions: Churches, Synagogue, Temple Social Services, Correctional Specialized Instruction School Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports Vocational School	Manufacturing* Motel Motor Vehicle and Boat Dealers, Non- Accessory* Nursing and Personal Care Facilities* Outdoor Storage* Recreational Facilities, Outdoor Rental Services, with Outside Storage* Retail Sales, Outdoor Self-Service Storage* Tow Truck Operation/Auto Impoundment Yard Trucking and Courier Service* Warehousing and Wholesale Trade*

¹ Permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing uses, or motor vehicle and boat dealer uses, may also be permitted when accessory to an existing legal automotive service or existing legal automotive repair use and consistent with the following: (i) motor vehicles for sale, lease or rental shall not be arranged in a display lot fashion along the primary street frontage and (ii) shall be a subordinate and incidental part of the automotive repair or automotive service business, and (iii) shall be subject to the Kenmore Downtown Design Standards regarding screening, location and other relevant standards. Otherwise prohibited.

² Permitted only if part of a mixed use development.

- ³ Properties having frontage on SR-522 and taking primary access from SR-522 as of the effective date of this title shall be permitted drive through service. Where allowed, Drive Through Service is permitted as an accessory use. Drive through service shall be oriented to the side and/or rear of the building, and integrated into the exterior wall. Drive through lanes shall not be located between the street and the main pedestrian access to the buildings. Modifications to these requirements may be reviewed through the Site Plan Review process when meeting the intent of pedestrian orientation pursuant to Kenmore Downtown Design Standards.
- ⁴ Mobile food vendors are permitted subject to the following requirements:
- The stand is located on a sidewalk or near a store front consistent with barrier-free regulations;
 - The stand location on the sidewalk or near a store front provides for at least four (4) feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement; and
 - No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
 - No required parking stall shall be blocked or unusable as a result of the mobile vendor;
 - Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours.
 - A sign permit is required for exterior signage in accordance signage in accordance with the Sign Code, KMC 18.50.
- ⁵ When located on property fronting on SR-522, NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE such uses shall be subject to the following conditions:
- A minimum of 80 percent of a structure's street front façade at street level shall be occupied by nonresidential (e.g. retail, office or service) uses. If the nonresidential and residential uses are located in separate structures, the 80 percent requirement shall apply to the lot's lineal street frontage at street level. Where the lot fronts on two (2) or more streets and abuts a lot which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.
 - The required nonresidential use shall extend at least thirty (30) feet in depth at street level from the street front facade of the structure, provided that the minimum required depth may be averaged, with no depth less than fifteen (15) feet.
 - Where a lot fronts on two (2) or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the structure containing the required nonresidential use.
- ⁶ Permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.
- ⁷ Outdoor retail displays/sidewalk sales are permitted subject to:
- The outdoor retail display or sidewalk sale shall be accessory to a permitted permanent commercial use;
 - Fire lanes shall remain fully open and accessible at all times;
 - The location on sidewalk or near store front is barrier-free;
 - No required parking stall shall be blocked or unusable as a result of the outdoor retail display or sidewalk sale;
 - Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - Such display and activity is removed daily at the time of or prior to the close of business hours;
 - A sign permit is required for exterior signage in accordance signage in accordance with the Sign Code, KMC 18.50.
- ⁸ When located along NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such use shall be housed on floors other than the ground floor street front façade.
- ⁹
- Within the zone north of SR-522 and west of 68th Avenue NE, Transit Centers and Commuter Parking facilities shall be in structured buildings when the number of stalls exceeds 20. Transit centers or commuter parking lots shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the transit center or commuter parking lot.
 - Parking structures in whatever location in the zone, shall provide retail usages for at least 50 percent of the ground floor street frontages, consistent with the Kenmore Downtown Design Standards.
 - Parking structures shall be designed consistent with Kenmore Downtown Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other developments that patrons will access. Crime prevention through environmental

design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.

- ¹⁰ In the Downtown Commercial zone, properties (i) fronting SR-522 or taking primary access from SR-522, and (ii) located on a property where the extent of use is no deeper than 260 feet from SR-522, and (iii) containing automotive repair or automotive service uses as of the effective date of this section shall be considered Existing Legal uses. Otherwise prohibited.

Accessory Uses

Accessory uses, when consistent with definitions and criteria in KMC 18.10 and 18.20, are allowed as determined by the Responsible Official.

DOWNTOWN COMMERCIAL – ZONING STANDARDS

The following zone-specific development standards in **Table J** would apply in the Downtown Commercial zone.

Table J. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
Base Density: Dwelling Units/Gross Acre	48; applies east of 68th Avenue NE.
Maximum Density: Dwelling Units/Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE.
Minimum Density: Dwelling Units/Net Acre for stand-alone multifamily proposals	36
Street Setback	Minimum 10 ft from SR-522, otherwise 0 ft. Maximum 10 ft unless otherwise allowed through the Kenmore Downtown Design Standards. Subject to design review, site plan review, and right-of-way use permits, the City may authorize intrusions of structural elements into the public right-of-way including awnings, columns, bay windows, or others when such would not impede safe travel by pedestrians, solar access is not significantly diminished, and City liability is limited.
Minimum Interior Setback	5 feet; except when property adjoins R-1 to R-12 property, then 20 ft.
Base Height	35 ft
Maximum Height Applicable to Mixed Use Developments containing Residential Dwellings at a minimum 50% of square footage to a maximum of 75% square footage; or to Developments achieving Density Bonus; or to Developments providing Structured Parking	65 ft
Maximum Impervious Surface: Percentage	90%
Pedestrian Connections	Pedestrian Connections are required to be provided in accordance with the Kenmore Downtown Design Standards.

Conflicts

If there are any conflicts between the Kenmore Downtown Design Standards and Downtown Commercial zone standards, the Kenmore Downtown Design Standards shall prevail.

DOWNTOWN RESIDENTIAL – INTENT

The Downtown Residential Zone provides higher density residential development in support of the Downtown Commercial Zone. Limited retail and office uses are also allowed as part of mixed-use developments. The Zone represents an opportunity to provide a range of housing types in the community with attention to appearance and scale.

DOWNTOWN RESIDENTIAL – USE ALLOWANCES

The following uses in **Table K** would be permitted, conditionally permitted, or prohibited in the Downtown Residential Zone.

Table K. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (or excluded in definitions)
Automotive Service, Accessory ¹ Bed and Breakfast Guesthouse City Government Offices and Facilities Community Residential Facility I or II Cultural Facilities Day Care I or II ² Home Occupation Multiple Family Dwelling ³ Onsite Services ⁴ Parking: Off-Street Required Parking Lot or Structure Parks Professional Office ⁴ Recreation, Indoor: Sports Club Retail Sales, Indoor ⁴ Single Detached Dwelling, Existing legal Trails	Communication Facility, Major ⁵ Eating and Drinking Places Nursing and Personal Care Facilities Religious Institutions: Churches, Synagogue, Temple Social Services, Non-Correctional Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports	Indoor Storage Mobile Home Parks Outdoor Storage Public Agency or Utility Office: Non-City Retail Sales, Outdoor Self Service Storage Single Detached Dwelling, New Social Services, Correctional

¹ Only permitted when accessory to and contained within a structured parking garage.

² Day Care II permitted only when accessory to a school, church, park, sport club or public housing administered by a public agency.

³ Townhomes are required to have 4 units minimum in a cluster. Enclosed under building parking is required per the Downtown Design Standards.

⁴ Permitted only as part of a mixed-use development, and must occupy 50% of the ground floor at street frontage. Each use is limited to maximum 5,000 s.f. per use and 15,000 s.f. total contiguous.

⁵ Limited to tower consolidations.

Accessory Uses

Accessory uses, when consistent with definitions and criteria in KMC 18.10 and 18.20, are allowed as determined by the Responsible Official.

DOWNTOWN RESIDENTIAL – ZONING STANDARDS

Specific zone-based development standards for the Downtown Residential zone in **Table L** would apply to the DR zone as follows:

Table L. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Base Density: Dwelling Unit/ Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: Dwelling Units/ Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: Dwelling Units/ Net Acre	18 – Townhouse only development 18-36 Townhouse/apartment combination development 36 – Apartments
Minimum Lot Width	Townhouse – 20 ft Apartment – 30 ft
Minimum Street Setback	Primary structure – 6 ft. min.; 8 ft. min. average Garage, Carport, Paved Parking – 10 ft
Maximum Street Setback	West of 68th Avenue NE, the maximum setback is 10 ft.
Minimum Interior Setback	5 ft; otherwise when adjoining property zoned R-1 to R-8 zone then 20 ft
Base Height	60 ft
Maximum Height with Density Bonus	80 ft, east of 68th Avenue NE 60 ft, west of 68th Avenue NE
Maximum Impervious Surface: Percentage	90%
Pedestrian Connections	Pedestrian Connections shall be provided in accordance with the Kenmore Downtown Design Standards.

Conflicts

If there are any conflicts between the Kenmore Downtown Design Standards and Downtown Residential Zone standards, the Kenmore Downtown Design Standards shall prevail.

R-24 ZONE AMENDMENTS

The amendments to the zone classifications would remove the Office Zone. However, to accommodate the existing contractor's office along NE 175th Street, and to allow for small-scale office uses that are compatible over time, the following amendments are recommended.

18.25.060 (formerly 21A.08.060) A. Government/business services land uses.

SIC#	SPECIFIC LAND USE	R12- 48 24
	BUSINESS SERVICES:	
*	Construction and Trade	<u>P35</u>
*	Professional Office	<u>P35</u>

35. Permitted when:

- a. located in the R-24 zone; and
- b. on a site in professional office or construction and trade office uses as of the effective date of these regulations (XXX x, 2003); and
- c. part of a mixed-use development; and
- d. limited to 15,000 square feet; and
- e. no outdoor storage of equipment occurs.

REGIONAL BUSINESS ZONE IN DOWNTOWN – INTENT

The Regional Business District encompasses the Southwest and Southeast Quadrants of the 68th Avenue NE/SR-522 intersection and includes areas commonly referred to as the LakePointe (Kenmore Pre-Mix) and the Plywood Supply areas. Property Conditions and Overlay Districts, and in some locations, Downtown Kenmore Design Standards from the Downtown Commercial and Downtown Residential zones, not only recognize Kenmore's position as a regional transportation center for larger scale commercial, office, and multi-family developments, but also promote a mixed-use, compact development with coordinated internal circulation, shared or structured parking, compatible design and signage, and direct access to public transportation. Emphasis is placed on public access to the waterfront, protection of environmentally sensitive areas, building modulation and façade treatments that help create a human scale, and land use/design transitions and linkages to neighboring districts.

RB ZONE AMENDMENTS

The ultimate goal for the City is to promote a mixed-use and regionally-oriented district that is master planned to achieve a coordinated and successful development, supportive of the Downtown vicinity and an asset for the community. As much as possible the area south of SR-522 should be treated in a manner that will eventually allow for a cohesive and consistent approach in zoning classification and standards. On the south side of SR-522 at 68th Street NE the proposed zoning map would apply Regional Business contiguous with the March 2001 Comprehensive Plan Downtown Master Plan Special District. In this district the special conditions (P-Suffix or overlay) that apply to the LakePointe site (the portion that has been approved with a Commercial Site Development Permit) and portions of the Plywood Supply property south of NE 175th Street would essentially be intact at least in the near term. **Figure 13** identifies the properties with and without P-Suffix conditions in the Downtown Master Plan District.

In draft form, an adopting ordinance may have the following type of language:

Section 1a. Properties identified on Exhibit A [King County Parcel Identification Numbers 1126049020 (westerly portion), 1126049133, 4164100070, 4164100065, 4164100060, 4164100055, 4164100040, 4164100025, 4164100020, 4164100015, 4164100010] shall retain a Comprehensive Plan classification of Regional Business. Such properties shall be reclassified from the Industrial Zoning Classification to Regional Business Zoning Classification, consistent with the City's adopted Comprehensive Plan. Chapter KMC 18.25, as adopted by the City of Kenmore, shall be amended to add the following section:

SPECIFIC LAND USE	RB
Existing Legal Uses as of the Effective Date of this Ordinance (XXXX XX, 2003), Which Are Not Otherwise Allowed as a Permitted Use, Conditional Use, or Special Use in KMC Sections 18.25.030.A to 18.25.100, or a P-Suffix or Special Overlay District pursuant to KMC 18.82.	P

Section 1b. Properties identified on Exhibit A (PIN 1126049118, 1126049011, 4164100070, 4164100065, 4164100060, 4164100055, 4164100040, 4164100025, 4164100020, 4164100015, 4164100010) which lie north of NE 175th Street shall be subject to the

Kenmore Downtown Design Standards. If there are any conflicts between the Kenmore Downtown Design Standards and applicable Zone standards, the Kenmore Downtown Design Standards shall prevail. The Kenmore municipal code as adopted by the City of Kenmore, shall be amended to achieve the following:

RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, shall be subject to the Kenmore Downtown Design Standards. Such properties shall not be subject to KMC 18.35.070, Attached Dwellings And Group Residences – Vehicular Access And Parking Location, or KMC 18.35.080, Attached Dwellings And Group Residences – Building Façade Modulation, due to compliance with the Kenmore Downtown Design Standards. Such properties may optionally comply with KMC 18.35.210, Storage Space And Collection Points For Recyclables, as the Downtown Design Guidelines offer additional options for screening of storage. The provisions of KMC 18.40.070 (F) do not apply to the subject properties in favor of the provisions of KMC 18.40.070 (H) regarding Landscaping – Surface Parking Areas. Landscape requirements applied to the DC and DR zones in KMC 18.40.090, Landscaping – Additional Standards For Required Landscape Areas, shall also apply to the subject properties.

Section 1c. Properties identified on Exhibit A (PIN 1126049118, 1126049011, 4164100070, 4164100065, 4164100060, 4164100055, 4164100040, 4164100025, 4164100020, 4164100015, 4164100010) which lie north of NE 175th Street shall provide landscape screening along the Burke-Gilman trail. Section KMC 18.40.060, as adopted by the City of Kenmore, shall be amended as follows:

18.40.060 (formerly 21A.16.060) Landscaping – Interior lot lines. The average width of perimeter landscaping along interior lot lines shall be provided as follows:

* * *

E. RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175 Street between 65 Avenue NE extended and 73 Avenue NE shall provide ten feet of Type II landscaping along the common property boundary with the Burke-Gilman public trail right-of-way. Property owners may negotiate with King County to have the Type II landscaping located within the Burke-Gilman public right-of-way. If a parking area is proposed, parking lot screening requirements of the Kenmore Downtown Design Standards shall apply in addition to the Type II landscaping.

Section 2a. The Plywood Supply Properties (PIN 4164100270 to 4164100310) shall be classified with the Comprehensive Plan classification of RB with a Special Study Area overlay, descriptive text of Policy LU-2.1.2(b) to read as follows:

LU-2.1.2.b. District Descriptions. Utilize the following purpose statements to distinguish the land use districts. ***

- Special Study Area – Bastyr University: The City has designated the St. Thomas Seminary property, owned by the Archdiocese of Seattle and occupied by Bastyr University as a Special Study Area while the

City works with Bastyr and the Archdiocese to complete a master plan that will guide the development of the property. In order to allow the master planning process and potential purchase of the site by Bastyr to proceed, the property will retain its underlying residential designation for comprehensive planning purposes and its R-4 zoning classification while development of that master plan is proceeding.

- The City also considered designation of the St. Thomas Seminary property as Public and Private Institution, similar to other large parcels that have been placed under that designation. After discussions with representatives of the Archdiocese and Bastyr over time, however, all three parties concur that a long-term resolution is likely that will allow Bastyr to assume ownership of the St. Thomas Seminary property and to obtain appropriate master plan approval from Kenmore. Use of the Special Study Area designation in the interim preserves Kenmore's ability to later adopt a Public and Private Institution plan designation and related development regulations, while also preserving the rights of the Archdiocese and Bastyr to later challenge any such plan designation or implementing regulations. The City's long term interest in the property is to have continued use of the site by Bastyr University or a similar institution with public access/use maintained through the use of a purchase of development rights, out-right purchase of portions of the property, off-site density transfers or joint use agreements. The Archdiocese and Bastyr will enter into an agreement with the City that would prevent the property from being developed for residential purposes while the development of the master plan is proceeding. Upon successful completion of the master planning process, the parties to the interim agreement governing the use of this property would anticipate that a comprehensive planning designation and a zoning classification consistent with the approved master plan would be adopted by the City for the property.
- Special Study Area – Plywood Supply: The City has designated the Plywood Supply property south of NE 175th Street as a Special Study Area while the City works with property owners to complete a master plan that will guide the development of the property. In order to allow the master planning process to proceed, the property will retain its underlying RB designation for comprehensive planning purposes while development of that master plan is proceeding.

Section 2b. The Zoning Classification of the subject properties shall be Regional Business. The P-Suffix and Special Overlay (SO) District Conditions that currently apply to the Plywood Supply Properties (PIN 4164100270 to 4164100310) shall be removed upon adoption of a Master Plan process for the property or subject zoning district and incorporated into the City of Kenmore development regulations.

Section 3. The LakePointe (Kenmore Pre-Mix) property (PIN 1126049001, 1126049020, and 1126049137) shall retain a Comprehensive Plan classification of Regional Business. RB

zoning is applied to implement the Regional Business Comprehensive Plan classification for these properties. Permitted uses and development standards shall be consistent with P-Suffix and vested development permit conditions. In the event that the vested permit expires or is withdrawn, the P-Suffix Conditions that currently apply to the LakePointe (Kenmore Pre-Mix) property (PIN 1126049001, 1126049020, and 1126049137) shall be removed at such time as a Master Plan process is newly adopted for the property or subject zoning district and incorporated into the City of Kenmore development regulations.

DOWNTOWN TRANSPORTATION COORDINATION DISTRICT – PURPOSE

The Comprehensive Plan describes the purpose of the Downtown Transportation Coordination District as follows:

The Transportation Coordination Special District recognizes the need to emphasize multiple modes of transportation necessary for both the Downtown – Community and Downtown – Master Plan Development Special Districts. The Transportation Coordination District identifies a target area for a multi-modal transportation hub that allows for intra-community and regional transportation connections. Transit, passenger ferry, pedestrian, and bicycle opportunities would be particularly emphasized, although there would continue to be accommodation of automobiles. The District emphasizes minimum densities and floor area ratios that support higher levels of transit and alternative transportation services. The District also links the Downtown-Community and the Downtown-Master Plan Development Districts to emphasize coordinated multi-modal circulation as well as shared landscape and streetscape treatments between the Downtown districts.

DOWNTOWN TRANSPORTATION COORDINATION DISTRICT – DISCUSSION

This Special District Overlay is recommended to be removed in the Comprehensive Plan in favor of strengthening some policies and zoning district intents about transit center locational requirements, such as requiring the Park-and-Ride to be located no further than 1,200 feet from SR-522, sited to be complementary to civic uses, etc. Additionally, with the proposed zoning Downtown, minimum densities will be applied in the Downtown Commercial and Downtown Residential Zone throughout. The Downtown Commercial district is proposed to be applied to the St. Vincent de Paul site and Kenmore Park-and-Ride.

In place of the Transportation Coordination Overlay Special District, which would largely be unnecessary with the zoning amendments, the Plan adds to the zone purpose statements and the Comprehensive Plan policies, the need for a transit hub in the Northwest Quadrant. The amended policies read as follows:

Policy LU-5.2.4 In cooperation with Metro, Sound Transit, and Community Transit, establish Downtown as an intra-community transit hub. In particular, the Northwest Quadrant of the SR-522 and 68th Avenue NE intersection should be the site of a multi-modal transportation hub allowing for intra-community and regional transportation connections. Structured facilities with ground floor retail should be promoted.

Policy T-34.3.1 To intercept trips close to their origin and to make use of effective transit/high-occupancy vehicle facilities, locate Park-and-Ride lots along major transit corridors, in or near to Downtown, and in areas where high-density residential development is planned. A key Park-and-Ride location will include the Northwest Quadrant of the SR-522 and 68th Avenue NE intersection. Structured facilities with ground floor retail should be promoted.

ZONING DEFINITIONS – ADDED/AMENDED

All of the following definitions are new unless edits indicate amendment of a current definition. Unless amended, KMC 18.20 definitions would apply.

ACCESSORY USE: A use typically subordinate in size to the principal commercial or principal non-residential use; that would not contribute significantly to traffic generation, noise, or nuisance; and that supports the primary use operation without displacing it. Uses are typically located upon the same lot occupied by a principal use.

ARTS AND CRAFTS SCHOOLS/STUDIOS: Schools and studios for education in various arts and crafts including but not limited to photography, dance, music, and language skills.

ASSISTED LIVING. An establishment which provides living quarters and domiciliary care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities, a full kitchen or no kitchen. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space.

18.20.390 (formerly 21A.06.155) BULK RETAIL. ~~“Bulk retail” means an establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments offer a variety of lines of merchandise including but not limited to: food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic, and electronics. A singular indoor retail or wholesale user who occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Big-box retail/wholesale sales can include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.~~

CAR WASH: A structure with machine-operated or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

18.20.590 (formerly 21A.06.247) CONSTRUCTION AND TRADES. “Construction and trades” means establishments that provide services related to construction of buildings and infrastructure, and other improvements to property. Such establishments include, SIC Major Group Nos. 15-17, and SIC Industry Group No. 078 (Landscape and Horticultural Services). This definition excludes construction and trade establishments that qualify as a professional office by virtue of having only a business office without outside storage or fabrication.

CULTURAL FACILITIES: Facilities which offer passive entertainment and enjoyment activities to the general public. This definition includes, but is not limited to, museums and libraries.

DOMICILIARY CARE means:

- (1) Assistance with activities of daily living provided by the licensee either directly or by contract;
- (2) Assuming general responsibility for the safety and well-being of the resident; and
- (3) Limited nursing services, if provided by the licensee.

DRIVE-THROUGH SERVICE: A business or a portion of a business where a customer is permitted or encouraged either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service. This definition shall include but not be limited to fast-food restaurants, espresso stands, and drive-in services at banks and pharmacies. This definition excludes automotive service and repair, gas stations, and car washes.

DWELLING, MULTIPLE FAMILY: A one-family dwelling attached to one or more one-family dwellings by common roofs, walls, or floors. Also includes one or more dwellings attached to nonresidential uses. This definition does not include accessory dwelling units, community residential facilities, or nursing and personal care facilities.

- A. Apartment: A residential building containing two (2) or more dwelling units which are attached at one or more common roofs, walls, or floors. Typically, the unit's habitable area is provided on a single level. Unit entrances may or may not be provided from a common corridor.
- B. Townhouse: A one-family, ground-related dwelling attached to one or more such units in which each unit has its own exterior, ground-level access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls. Typically the units are multi-story.

C. ~~18.20.2510 (formerly 21A.06.1062)~~ — Senior citizen assisted housing: “Senior citizen assisted housing” means — Hhousing in a building consisting of two or more dwelling units or sleeping units restricted to occupancy by at least one senior citizen per unit, and may include the following support services, as deemed necessary:

- A. Food preparation and dining areas;
- B. Group activity areas;
- C. Medical supervision; and
- D. Similar activities.

~~18.20.830 (formerly 21A.06.355) — DWELLING UNIT, APARTMENT. “Apartment dwelling unit” means — a dwelling unit contained in a building consisting of two or more dwelling units which may be stacked, or one or more dwellings with nonresidential uses.~~

~~18.20.850 (formerly 21A.06.370) — DWELLING UNIT, TOWNHOUSE. “Townhouse dwelling unit” means, a building containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwellings by common walls.~~

EDUCATIONAL INSTITUTIONS (PUBLIC OR PRIVATE), EXISTING K-12: An existing public or private school encompassing grades K-12.

EXISTING LEGAL USES: Where the term “existing” or “existing legal” follows a listed use type within the table(s), then those uses that can document their legal status, are considered to be a Permitted Use given all the rights of other permitted uses within the district, until such time as there is a change of use or abandonment per KMC 18.75.085. In addition, these uses may be rebuilt ‘as is, where is’ should they suffer damage. These uses may be remodeled without limitation on value and may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.), unless otherwise specifically conditioned.

FLOOR AREA RATIO (FAR): A measure of development intensity equal to the gross building floor area, divided by gross land area.

GOVERNMENT FACILITIES, CITY: Facilities of any unit of city government. Types of facilities include municipal offices, community centers, courts of law, public works maintenance facilities, and other types of municipal facilities.

HOTEL: A building or portion thereof designed or used for transient rental for sleeping purposes. Hotel structures are at least two (2) stories in height, with lodging space above the first floor. Lodging space may also be located on the first floor. Individual rooms are typically accessed from a common hallway. A central kitchen and dining room and accessory shops and services catering to the general public may be provided. Not included in this definition are townhouses, apartments, bed & breakfasts, or motels.

MEDICAL/DENTAL OFFICE/OUTPATIENT CLINIC: Establishments of licensed practitioners having the appropriate degree to practice medicine, dentistry, osteopathy, chiropractics, podiatry, optometry, and other health practitioners included in SIC categories 801 to 804. This definition also includes the indoor retail sale of personal medical supplies as an ancillary operation.

MISCELLANEOUS REPAIR: Repair of non-personal/non-household items including, but not limited to, items in SIC 7692, 7694 and 7699, except items in SIC 7699 that are personal repair items, household repair items, or nonmotorized vehicle repair. This definition excludes onsite services.

MOBILE FOOD VENDOR: Retail sale of food or beverages from a cart on a non-fixed foundation which is typically removed daily at the close of business, and is located on a sidewalk or near a storefront.

MOTEL: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and typically having a parking space adjacent to a sleeping accommodation. This definition excludes townhouses, apartments, bed & breakfasts, and hotels.

OUTDOOR RETAIL DISPLAY/SIDEWALK SALE: Exhibit of goods which are directly accessible to the public for retail sale. These display areas are accessory to the principal indoor retail use.

RECREATIONAL FACILITIES, INDOOR: A place designed and equipped for the conduct of sports and leisure-time activities within an enclosed space. Examples include gymnasiums, amusement arcades, sports clubs, bowling alleys, and indoor swimming pools. This definition excludes sports arenas, shooting galleries, and outdoor recreation facilities.

RECREATIONAL FACILITIES, OUTDOOR: A place designed and equipped for the conduct of sports and leisure-time activities with little or no enclosed space. Examples include: private outdoor tennis courts, private outdoor swimming pools, batting cages, miniature golf courses, golf driving ranges, and playgrounds. This definition excludes marinas, parks, golf courses and sports arenas.

RETAIL SALES, OUTDOOR: The display and sale of products and services primarily outside of a building or structure, including but not limited to garden supplies, tires and motor oil, manufactured homes, burial monuments, building and landscape materials, and lumber yards. This definition excludes motor vehicle and boat dealers, outdoor retail display/sidewalk sales, mobile food vendors, City authorized temporary uses, or City authorized uses allowed in public plazas or outdoor performance spaces on a temporary but regular basis.

RETAIL SALES: Establishments within a permanent structure of less than 65,000 square feet engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes auction houses, auto supply stores, bulk retail, outdoor retail sales, motor vehicle and boat dealers, and eating and drinking places.

SERVICES, OFF-SITE: Establishments primarily engaged in providing individual or professional services at the customer's home or place of business. Examples of off-site services include but are not limited to temporary employment services, janitorial services, and professional maid services.

SERVICES, ON-SITE: Establishments primarily engaged in providing individual or professional services within the place of business, such as beauty and barber shops, retail laundry and dry-cleaning including coin-operated, garment alterations and repair, photo studios, shoe repair, pet grooming, photography and photo reproduction, personal accountants, entertainment media rental or other indoor rental services, repair of personal items or household items, and nonmotorized vehicle repair. This definition excludes automotive repair or automotive service and miscellaneous repair.

SOCIAL SERVICES, CORRECTIONAL: Establishments or agencies offering offender rehabilitation, offender self-help, parole or probation services.

SOCIAL SERVICES, NON-CORRECTIONAL: Establishments primarily engaged in providing social or rehabilitation services including, but not limited to, individual and family counseling, welfare, relief, referral, job training, or vocational services. This definition excludes correctional social services.

STORAGE, INDOOR: A use engaged in the storage of goods and/or materials characterized by infrequent pick-up and delivery, and located within a building. Indoor storage uses typically are enclosed and provide supervised access to the storage areas within the building. The definition excludes self-service storage, warehousing and distribution.

STORAGE, OUTDOOR: A use engaged in outdoor storage for more than 24-hours, wholesale, rental, and distribution of manufactured products, supplies, and equipment. This definition excludes hazardous material storage, indoor storage, self-service storage, vehicle storage, and warehousing and wholesale trade.

TAXI STAND: A facility for pick-up and drop-off of taxi patrons, typically characterized by an area for queuing passengers and taxis.

TRANSIT CENTER: Any facility designed for accommodating large numbers of public transportation passengers to wait, board, and disembark at the intersection of multiple transit routes.

18.20.550 (formerly 21A.06.230) USES, CONDITIONAL USE PERMIT. ~~Uses that require a conditional use permit due to special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to review by the reviewing official to establish conditions to protect public health, safety and welfare and ensure compatibility with nearby land uses.—“Conditional use permit” means a permit granted by the city to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.~~

USES, PERMITTED: Land uses allowed outright within a zone.

USES, PROHIBITED: Any such use not specifically enumerated or interpreted as allowable in that district.

USES, UNCLASSIFIED: A use which does not appear in a list of permitted, conditional, or accessory uses, but which is interpreted by the Responsible Official, as similar to a listed permitted, conditional, or accessory use and not otherwise prohibited.

INTERPRETATION

18.10.040 (formerly 21A.02.040) Conformity with this title required. A. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.

B. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and KMC Title 17, Land Division.

C. All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other city regulations, the more restrictive requirements shall apply.

D. Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

E. Temporary uses or activities, conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title.

18.10.050 (formerly 21A.02.050) Minimum requirements. In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of this title.

18.10.060 (formerly 21A.02.060) Interpretation – General. A. In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

C. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use tables in Chapter 18.25 KMC shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

D. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this title, all words and terms used in this title shall have their customary meanings.

18.10.070 (formerly 21A.02.070) Interpretation -- Standard Industrial Classification. A. All references to the Standard Industrial Classification (SIC) are to the titles and descriptions found in the Standard Industrial Classification Manual, 1987 edition, prepared by United States Office of Management and Budget which is hereby adopted by reference. The SIC is used, with modifications to suit the

purposes of this title, to list and define land uses authorized to be located in the various zones consistent with the comprehensive plan land use map.

B. The SIC categorizes each land use under a general two-digit major group number, or under a more specific three- or four-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a three-digit or four-digit number includes only the uses listed in the SIC for that industry group or industry.

C. An asterisk (*) in the SIC number column of a land use table means that the SIC definition for the specific land use identified has been modified by this title. The definition may include one or more SIC subclassification numbers, or may define the use without reference to the SIC.

~~D. The Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone. The director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in Chapter 18.15 KMC, by considering the following factors:~~

~~1. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;~~

~~2. Whether or not the use complements or is compatible with other uses permitted in the zone; and~~

~~3. The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.~~

18.10.075 Interpretation of Unclassified Uses: Upon inquiry by an applicant, an administrative interpretation shall be made by the Director to determine if a proposed use not specifically listed is allowed utilizing the criteria below. Should interpretation be made that a proposed, unlisted use not be allowed in a specific zoning district, the Director shall indicate with which Zone, if any, the use is consistent. If the Director's interpretation indicates that an unlisted use is not consistent with the permitted, conditional or accessory uses in any district, or if the applicant does not concur with the permit type applied to a use, appeal may be made pursuant to KMC 19.25.

a. Criteria for Unclassified Uses: To determine whether an unclassified use is permitted, conditionally permitted or accessory, the Director shall determine the use is:

i. in keeping with the purpose and intent of the zone, and consistent with the Kenmore Comprehensive Plan policies; and

ii. similar in nature to, and no more intense than, a specifically-listed permitted, conditional or accessory use;

iii. similar to the physical characteristics, supporting structures, scale, traffic, hours of operation, and other features of specifically-listed permitted, conditional or accessory uses; and

iv. if determined to be permissible as an accessory use, the accessory use shall be incidental, necessary and commonly found with the permitted or conditionally

permitted use and is consistent with the definition of accessory uses or structures in KMC 18.20.

18.10.080 (formerly 21A.02.080) Interpretation – Zoning maps. Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

A. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non road-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners' lot;

B. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;

C. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and

D. If none of the rules of interpretation described in subparagraphs (A) through (C) apply, then the zoning boundary shall be determined by map scaling.

18.10.090 (formerly 21A.02.090) Administration and review authority. A. The examiner shall have authority to hold public hearings and make decisions and recommendations on reclassifications, subdivisions and other development proposals, and appeals.

B. The director shall have the authority to grant, condition or deny applications for variances and conditional use permits, and renewals of permits for mineral extraction and processing, unless a public hearing is required as set forth in 18.95 KMC, in which case this authority shall be exercised by the adjustor.

C. The department shall have authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in 18.95 KMC.

D. Except for other agencies with authority to implement specific provisions of this title, the department shall have the sole authority to issue official interpretations of this title.

18.10.110 (formerly 21A.02.110) Classification of right-of-way. A. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for streets or alleys, or railroads shall be considered unclassified.

B. Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.

C. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or other operating devices, movement of rolling stock, utility lines and equipment, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.

D. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged.

3. GENERAL DEVELOPMENT STANDARDS

SECTION II-3 ZONING PROPOSAL: RELATED GENERAL STANDARDS

Section II-3 addresses development standards applicable to more than one zoning district – parking, signs, landscaping, nonconforming uses or sites, and density bonuses. Also included is a discussion of the application of development standards to new and existing development. The background discussion for each of these topics is presented more fully with the proposed amendments, but is also briefly described below.

The key issues and approach include:

- Consistent with the transit orientation of Northwest Quadrant development alternatives, alternate parking standards are proposed for the Northwest Quadrant, including minimum parking standards and a requirement for structured parking if providing parking above the minimum standards. A guest parking standard is proposed Citywide for multifamily development.
- A limited interim set of amendments to sign standards to reflect the new Downtown Commercial zone is included addressing freestanding and wall sign sizes, heights, and locations as well as projecting and awning signs. Existing signs may continue. If sign frames and poles are retained, sign faces may be replaced.
- The Comprehensive Plan Policies identified density bonuses to consider, and the October 2001 Downtown Density Study recommended density bonus approaches. The current proposal is to delete energy conservation, historic preservation, and public art density bonuses and retain the bonuses for parks and open space and affordable housing with some modifications.
- Recommendations are included to achieve a balance between achieving current standards (with existing uses that expand) versus disincentives for conversion. Proportional compliance criteria are included to allow existing property and business owners more flexibility in compliance with design standards. Allowing normal maintenance without design standard compliance is proposed.

MULTIFAMILY & MIXED USE DEVELOPMENT REQUIREMENTS – DISCUSSION

Currently, in the King County Code adopted by Kenmore, there are development standards that govern multifamily and mixed-use developments. To address the proposed design guidelines applicable in the Downtown Commercial and Downtown Residential Districts, references are added in appropriate sections. Optional development standards regarding the location of commercial versus residential uses are removed since a code primarily establishes “shall’s” and “shall not’s”. Also, while the Floor Area Ratio requirements applicable in the Regional Business, Community Business, Neighborhood Business, and Office (RB, CB, NB and O) zones provide an incentive system for mixed use developments and structured parking, these are not proposed to apply in the Downtown Commercial district since these bonus features are addressed in the proposed height and setback standards; floor area ratio requirements are retained for the RB zone because the LakePointe development was developed with those requirements in place and may be appropriate for other RB locations. The O zone is proposed for removal; the CB zone does not currently apply in the City limits; and the NB zone is intended for smaller scale neighborhood commercial and is controlled sufficiently with height and setbacks. The intent is to retain

the incentives for mixed-use developments and structured parking in height standards, yet simplify application of development standards by removing FAR requirements where appropriate.

MULTIFAMILY & MIXED USE DEVELOPMENT REQUIREMENTS – AMENDMENTS

18.35.060 (formerly 21A.14.070) Attached dwellings and group residences – Applicability. The standards of KMC 18.35.070 and 18.35.080 shall apply to all new apartment developments exceeding four dwelling units, new townhouse development and new group residences except Class I community residential facilities (CRF-I). Expansions of existing development that involve four or more dwelling units shall be subject to compliance with KMC 18.35.070 and 18.35.080.

18.35.070 (formerly 21A.14.080) Attached dwellings and group residences – Vehicular access and parking location. Except for development located in the Downtown Commercial or Downtown Residential Zones, or RB zoned properties that are not subject to P-Suffix Condition NS-P4 and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which must comply with the Kenmore Downtown Design Standards, the following requirements apply:

A. On sites abutting an alley constructed to a width of at least 20 feet, apartment and townhouse development and all group residences except Class I community residential facilities (CRF-I) shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the director due to physical site limitations.

B. When alley access is provided, no additional driveway access from the public street shall be allowed except as necessary to access parking under the structure or for fire protection.

C. When the number of uncovered common parking spaces for attached dwellings and group residences exceed 30 spaces and when there is alley access, no more than 50 percent of these uncovered parking spaces shall be permitted between the street property line and any building, except when authorized by the director due to physical site limitations.

18.35.080 (formerly 21A.14.090) Attached dwellings and group residences – Building facade modulation. Except for development located in the Downtown Commercial or Downtown Residential Zones or RB zoned properties that are not subject to P-Suffix Condition NS-P4 and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which must comply with the Kenmore Downtown Design Standards, Apartment and townhouse developments and all group residences shall provide building facade modulation on facades exceeding 60 feet and facing abutting streets or properties zoned R-1 through R-46. The following standards shall apply:

A. The maximum wall length without modulation shall be 30 feet; and

B. The sum of the modulation depth and the modulation width shall be no less than eight feet. Neither the modulation depth nor the modulation width shall be less than two feet.

C. Any other technique approved by the director that achieves the intent of this section.

18.35.090 (formerly 21A.14.110) Mixed use development – Percentages of residential uses. Residential uses in mixed use developments shall be subject to the following limits:

A. A maximum of 50 percent of the total built floor area when located in NB zones; and

B. A maximum of 75 percent of the total built floor area when located in CB, RB and ~~O-DC~~ zones provided, that the total percentage may be increased by an additional 10 percent with the approval of the director.

18.35.100 (formerly 21A.14.120) Mixed use development – Residential density. Base residential density for mixed use developments shall be determined using total site area according to KMC 18.30.040(A).

18.35.110 (formerly 21A.14.130) Mixed use development – Building floor area. A. For mixed use developments that utilize at least ~~25 percent of building square footage for residential uses in the NB zone and at least~~ 50 percent of building square footage for residential uses in the CB, RB or O zones, the building floor area ratio shall be as follows:

- ~~1. 1.5/1 in NB zones;~~
- ~~2. 3.5/1 in CB zones; and~~
- ~~3. 4.0/1 in RB and O zones;~~

B. Building floor area ratios of subsection (A) of this section may be increased when all required parking is contained within a common parking structure, as follows:

- ~~1. 2.0/1 in NB zones;~~
- ~~2. 4.5/1 in CB zones; and~~
- ~~3. 5.0/1 in RB and O zones.~~

18.35.120 (formerly 21A.14.135) Mixed use development – Design features. ~~Mixed-use development permitted by Chapter 18.25 KMC shall incorporate the following design features:~~

~~A. Residential and nonresidential uses proposed for mixed use development shall be only those uses permitted in the zone, as established by Chapter 18.25 KMC;~~

~~B. If residential and nonresidential uses are proposed for the same structure, nonresidential uses shall occupy the lower levels. The director may waive this requirement under the following circumstances:~~

~~1. If the structure is located on a sloping lot that provides access from upper levels or from multiple levels. In such cases, the nonresidential use may be located on the levels that exit onto the primary pedestrian streets; or~~

~~2. If views from the upper levels are valuable amenities that would help assure success of the nonresidential uses, such as a restaurant;~~

~~C. Mixed use development shall provide off-street parking behind or to the side of buildings, or enclosed within buildings consistent with KMC 18.45.030 and any applicable design standards for the district. Relief from this requirement may be granted by the director only if the applicant can demonstrate that there is no practical site design to meet this requirement, or subject to exceptions for properties subject to Kenmore Downtown Design Standards. Outside of the DC and DR zones, the director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings, or enclosed within buildings, to be located to the front of buildings. In the DC and DR zones, the provisions of the Downtown Design Standards shall apply.~~ A 2025 percent reduction of required parking is allowed if a mixed use development meets the criteria of KMC 18.45.040 for shared parking.

18.35.130 (formerly 21A.14.145) Mixed use development – Phasing – Required plans, requirements, covenants, and recordings -- Review and approval. When residential and commercial uses are proposed to be contained in separate structures and the structures containing residential uses are proposed to be built prior to those containing commercial uses, then a commercial site development permit shall be required and as well as the following:

A. The applicant shall submit a site plan showing the entire mixed use development. The plan shall show project features including the location of the residential and commercial structures, parking areas, landscaping planters, sidewalks, and pedestrian linkages. The plan shall be drawn to scale and provide sufficient detail to ensure all zoning and development standards are met for the entire development.

B. Infrastructure plans, including storm drainage facilities, shall be sized to accommodate the needs of the entire mixed use development. The infrastructure shall be installed with the first phase of the development up to or near the commercial building(s) unless the applicant demonstrates to the department's satisfaction that there is potential for significant damage to the infrastructure during the construction of any later phase of construction.

C. For the purpose of informing future property owners of limitations on future development because of the mixed use provisions of this title, the applicant shall record a covenant on the property that states the restrictions upon the remaining portions of the site that they shall only be used for commercial uses. The covenant shall be recorded prior to the issuance of the building permit for the residential structure(s). The covenant shall be subject to review and approval by the department.

D. Land areas for future phases not yet built shall be maintained and planted with landscaping and/or used for paved parking, until such time as the future phase is constructed.

18.35.180 (formerly 21A.14.180) On-site recreation – Play areas. A. Single-family detached subdivisions, apartment, townhouse and mixed use development, of more than four units in the R-4 through R-~~48-24~~ and DR zones and stand-alone townhouse developments in the NB or DC zone of more than four units, excluding age restricted senior citizen housing, shall, in addition to meeting the requirements of KMC 18.35.170, provide children play areas within recreation space on-site, except when facilities are available to the public that meet all of the following requirements:

1. Developed as a county, municipal or regional park;
2. Are located within one-quarter-mile walking distance; and
3. Are accessible without crossing any arterial street.

B. Play area designs shall comply with the following requirements:

1. Provide at least 45 square feet per dwelling unit, with a minimum size of 400 square feet;
2. Be adjacent to main pedestrian paths or near building entrances;
3. Meet the requirements of KMC 18.35.170; and
4. Provide play equipment that meets, at a minimum, the Consumer Product Safety Standards for equipment, soft surfacing and spacing.

C. Subdivisions with play areas which are contained within the on-site stormwater tracts, but are located outside of the 100-year design water surface, may be credited for up to 50 percent of the required square footage of the on-site recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1. The stormwater tract and any on-site recreation tract shall be contiguously located. At final plat recording, contiguous stormwater and recreation tracts shall be recorded as one tract and dedicated to the homeowners' association or other organization as approved by the director;

2. The stormwater facilities shall be constructed to meet the following conditions:

a. The side slope of the stormwater facilities shall not exceed thirty-three percent unless slopes are existing, natural and covered with vegetation;

b. A bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;

c. The stormwater facilities shall be landscaped and developed for passive recreation opportunities such as trails, picnic areas and aesthetic viewing; and

d. The stormwater facilities shall be designed so they do not require fencing pursuant to the Surface Water Design Manual.

D. In the case of joint use of the tract for stormwater facilities and recreation space, Kenmore shall be responsible for maintenance of the stormwater facilities only and will require a drainage easement for that purpose.

E. A recreation space plan shall be submitted to the department and reviewed and approved with engineering plans.

1. The recreation space plans shall address all portions of the site that will be used to meet recreation space requirements of this section (including stormwater facilities). The plans shall show dimensions, finished grade, equipment, landscaping and improvements, as required by the director, to demonstrate that the requirements of the on-site recreation space per KMC 18.35.170 and play areas per this section have been met.

2. If engineering plans indicate that the on-site stormwater facilities or stormwater tract must be increased in size from that shown in preliminary approvals, the recreation plans must show how the required minimum recreation space under KMC 18.35. ~~170~~180 (A) will be met.

18.35.210 (formerly 21A.14.210) Storage space and collection points for recyclables. Developments shall provide storage space for the collection of recyclables as follows (for all zones except in the DC and DR zones, or RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, as described in G of this Section below):

A. The storage space shall be provided at the following rates, calculated based on any new dwelling unit in multiple-dwelling developments and any new square feet of building gross floor area in any other developments:

1. One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a city-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;

2. Two square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;

3. Three square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and

4. Five square feet per every 1,000 square feet of building gross floor area in retail developments.

B. The storage space for residential developments shall be apportioned and located in collection points as follows:

1. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.

2. There shall be one collection point for every 30 dwelling units.

3. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.

4. Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.

5. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

C. The storage space for nonresidential developments shall be apportioned and located in collection points as follows:

1. Storage space may be allocated to a centralized collection point.

2. Outdoor collection points shall not be located in any required setback areas.

3. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

4. Access to collection points may be limited, except during regular business hours and/or specified collection hours.

D. The collection points shall be designed as follows:

1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.

2. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.

3. Collection points shall be identified by signs not exceeding two square feet.

4. A six-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property.

5. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.

6. Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.

E. Only recyclable materials generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.

F. The director may waive or modify specific storage space and collection point requirements set forth in this section if the director finds, in writing, that an alternate recycling program design proposed by the applicant meets the needs of the development and provides an equivalent or better level of storage and collection for recyclables.

G. For the DC and DR zones, or RB zoned properties that are not subject to PSuffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, the standards in this section above apply as an option. The Downtown Design Standards offer additional options for screening of storage for these zones only.

LANDSCAPE STANDARDS – DISCUSSION

The King County landscape standards were adopted by the City as an interim measure. The current landscape standards have been evaluated for short-term compatibility with Kenmore Downtown Design Standards in *Section III*. The existing landscape standards will, when modified and combined with the design guidelines, implement the vision for downtown on an interim basis.

Recommended changes to the Landscaping and Water Use regulations are minor and are shown below. Sections modified are:

- 18.40.050
- 18.40.060
- 18.40.070
- 18.40.090
- 18.40.100

LANDSCAPE – AMENDMENTS

18.40.050 (formerly 21A.16.050 Landscaping) – Street frontages. The average width of perimeter landscaping along street frontages shall be provided as follows (for all zones except the DC and DR zones which are described in F. of this Section below):

A. Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;

B. Ten feet of Type II landscaping shall be provided for an industrial development;

C. Ten feet of Type II landscaping shall be provided for an above-ground utility facilities development, excluding distribution and transmission corridors, located outside a public right-of-way;

D. Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development; and

E. For single family subdivisions and short subdivisions:

1. Trees shall be planted at the rate of one tree for every 40 feet of frontage along all public streets;

2. The trees shall be:

a. Located within the street right-of-way if permitted by the custodial state or local agency;

b. No more than 20 feet from the street right-of-way line if located within a lot;

c. Maintained by the adjacent landowner unless part of a city maintenance program; and

d. A species approved by the city if located within the street right-of way and compatible with overhead utility lines.

3. The trees may be spaced at irregular intervals to accommodate sight distance requirements for driveways and intersections.

F. The DC and DR zones are excepted from these on-site screening standards (due to zero to minimal building setback allowances and requirements in those zones).

18.40.060 (formerly 21A.16.060) Landscaping – Interior lot lines. The average width of perimeter landscaping along interior lot lines shall be provided as follows:

A. Twenty feet of Type I landscaping shall be included in a commercial or industrial development along any portion adjacent to a residential development;

B. Five feet of Type II landscaping shall be included in an attached/group residence development, except that along portions of the development adjacent to property developed with single detached residences or vacant property that is zoned R(1-6), the requirement shall be 10 feet of Type II landscaping;

C. Ten feet of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development; ~~and~~

D. Ten feet of Type II landscaping shall be included in an institutional use, excluding distribution or transmission corridors, when located outside a public right-of-way; and

E. RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE shall provide ten feet of Type II landscaping along the common property boundary with the Burke-Gilman public trail right-of-way. Property owners may negotiate with King County to have the Type II landscaping located within the Burke-Gilman public right-of-way. If a parking area is proposed, parking lot screening requirements of the Kenmore Downtown Design Standards shall apply in addition to the Type II landscaping.

18.40.070 (formerly 21A.16.070) Landscaping – surface parking areas. Parking area landscaping shall be provided within surface parking areas with 10 or more parking stalls for the purpose of improving air quality, reducing surface water runoff, providing shade and diminishing the visual impacts of large paved areas as follows:

A. Residential developments with common parking areas shall provide planting areas at the rate of 20 square feet per parking stall;

B. Commercial, industrial or institutional developments shall provide landscaping at a rate of:

1. Twenty square feet per parking stall if 10 to 30 parking stalls are provided; and
2. Twenty-five square feet per parking stall if 31 or more parking stalls are provided;

C. Trees shall be provided and distributed throughout the parking area at a rate of:

1. One tree for every three parking stalls for a commercial or industrial development;
and

2. One tree for every five parking stalls for residential or institutional development;

D. The maximum distance between any parking stall and landscaping shall be no more than 100 feet;

E. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang;

F. Landscaping around the perimeter of a site that is in addition to the perimeter landscaping required by KMC 18.40.050 may count toward 10 percent of the required surface parking area landscaping in all zones except the DC and DR zones, or RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE (See H. of this Section below) if it is adjacent to the parking area; and

G. Parking area landscaping shall consist of:

1. Canopy-type deciduous trees, evergreen trees, evergreen shrubs and ground covers planted in islands or strips;

2. Shrubs that do not exceed a maintained height of 42 inches;

3. Plantings contained in planting islands or strips having an area of at least 100 square feet and with a narrow dimension of no less than five feet;

4. Ground cover in accordance with KMC 18.40.090; and

5. At least 70 percent of trees are deciduous.

H. Standards for perimeter landscaping and screening of surface parking lots for the DC and DR zones, or RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, are defined in the Downtown Design Standards, Site Design, Parking Lot Screening Section. All other landscape requirements for surface parking lot landscape in this section apply to the DC and DR zones, and RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE.

18.40.090 (formerly 21A.16.090) Landscaping – Additional standards for required landscape areas. In addition to the general standards of KMC 18.40.080, landscape areas required pursuant to KMC 18.40.050 through 18.40.070 shall conform to the following standards:

A. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual, provided that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual;

B. Single-stemmed trees required pursuant to this chapter shall at the time of planting conform to the following standards:

1. In parking area landscaping and in street rights-of-way:

a. Deciduous trees shall have a minimum caliper of 1.75 inches and a height of 10 feet in all zones except the DC and DR zones, or RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum caliper of 3.0, and

b. Coniferous and broadleaf evergreens shall be at least five feet in height;

2. In all other required landscape areas:

a. Deciduous trees shall have a minimum caliper of 1.5 inches and a height of 10 feet in all zones except the DC and DR zones, or RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum caliper of 3.0, and

b. Coniferous and broadleaf evergreen trees shall be at least five feet in height except in the DC and DR zones, or RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE where they shall be at least 10 feet in height.

C. Multiple-stemmed trees shall be permitted as an option to single-stemmed trees in all zones except the DC and DR zones, or RB zoned properties that are not subject to P-Suffix Condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE provided that such multiple-stemmed trees are:

1. At least six feet in height, and

2. Not allowed within street rights-of-way;

D. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows;

E. Shrubs shall be:

1. At least an AAN container class #2 (2 gallon) size at time of planting in Type II, III and parking area landscaping,

2. At least 24 inches in height at the time of planting for Type I landscaping, and

3. Maintained at a height not exceeding 42 inches when located in Type III or parking area landscaping except in the DC and DR zones where they shall not exceed a maximum height of 48 inches;

F. Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years.

G. All fences shall be placed on the inward side of any required perimeter landscaping along the street frontage.

H. Required street landscaping may be placed within city of Kenmore street rights-of-way subject to the city road design standards, provided adequate space is maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way;

I. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation;

J. New landscape material provided within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing indigenous plant species.

18.40.100 (formerly 21A.16.100) Landscaping – Alternative options. The following alternative landscape options may be allowed, subject to city approval, only if they accomplish equal or better levels of screening, or when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction;

A. The amount of required landscape area may be reduced to ensure that the total area for required landscaping, and/or the area remaining undisturbed for the purpose of wildlife habitat or corridors does not exceed 15 percent of the net developable area of the site. For the purpose of this subsection, the net developable area of the site shall not include areas deemed unbuildable due to their location within sensitive areas and any associated buffers.

B. The average width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:

1. Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; or

2. The landscape materials are incorporated elsewhere on-site;

C. In pedestrian district overlays, street perimeter landscaping may be waived provided a site plan, consistent with the applicable adopted area zoning document, is approved that provides street trees and other pedestrian-related amenities;

D. Landscaping standards for uses located in a rural town or rural business centers designated by the comprehensive plan may be waived or modified by the director if deemed necessary to maintain the historic character of the area. Where a local or subarea plan with design guidelines has been adopted, the director shall base the landscaping modifications on the policies and guidelines of such plan;

E. When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;

F. Single-stemmed deciduous tree species that cannot generally be planted and established in larger sizes may have a caliper of less than 1.5 inches;

G. The number of trees and shrubs to be provided in required perimeter and parking area landscaping may be reduced up to 25 percent when a development uses landscaping materials consisting of species typically associated with the Puget Sound Basin in the following proportions:

1. Seventy-five percent of groundcover and shrubs, and

2. Fifty percent of trees.

H. The department shall develop and maintain an advisory listing of trees recommended for new plantings. Such list shall describe their general characteristics and suitability, and provide guidelines for their inclusion within required landscape areas.

I. In the DC and DR zones, alternative landscape requirements may be proposed in order to retain trees (over 12" DBH if deciduous or 8" DBH if evergreen, measured as average trunk diameter at chest height; measured 4 1/2 feet above grade). This alternative requirement applies only to trees which are beyond what is already required in the City's Significant Tree Ordinance. Interior parking lot landscape requirements may be reduced at a 1:1 ratio equal to the land area within the drip line of the tree being retained.

PARKING STANDARDS – DISCUSSION

Managing the growth of surface parking represents a major challenge to transit-oriented development such as is planned, primarily in the Northwest Quadrant of SR-522 and 68th Avenue NE. Typical suburban development projects devote 50 to 75% of their sites to surface parking. The result is land use densities that are too low to serve with frequent and fast regional transit service. A more limited parking supply encourages residents, shoppers, and employees to use transit.⁵

Surface lots can also separate buildings from public streets, making it difficult for pedestrians to walk between buildings and to transit facilities. Parking management provides alternative strategies to traditional surface parking to result in more compact development.⁵

- Carefully control the total supply of parking.
- Keep the size of surface lots small (use landscaping, street placement or building design to visually and functionally segment parking lots).
- Design and plan surface lots to convert to other uses over time.
- Encourage the development of parking structures.

It is noted in studies that residential development around transit centers can reduce vehicle travel by 10%; residential mixed-use development can reduce vehicle travel by 15%; and commercial development around transit centers can reduce vehicle travel by 15%. These same types of developments on transit corridor can reduce vehicle travel in a range of 5 to 7%. (Victoria Transport Policy Institute, TDM Encyclopedia, www.vtpi.org/tdm/tdm72.htm).

The proposed Design Standards (in **Section III**) address size and location of parking lots, while the Zoning Development Standards, in the height requirements, encourage structured parking. In this section minimum parking standards are also proposed to encourage transit and structured parking.

Minimum parking standards should reflect the character and transit-availability of an area. The Kenmore Parking Standards are proposed for amendment as follows:

- Allowing a residential parking standard in the Northwest Quadrant of the 68th Avenue NE and SR-522 intersection reduced from Citywide standards, but adding one guest space per 5 units. These standards reflect the Park-and-Ride/Transit Center relocation and intent for mixed uses. Commercial standards in the Northwest Quadrant are similar to parking requirements in place in the code currently.
- For the Northwest Quadrant, requiring that parking in excess of the minimum be included in structured parking, unless provided as an interim use as a “holding” area for future phases yet to be developed. (Section KMC 18.45.030 (F))
- Retaining shared parking requirements. For mixed use developments up to 25% may be shared per **Section II-3** of this report (KMC 18.35.120).

⁵ Puget Sound Regional Council (June 1999). *Creating Transit Station Communities in the Central Puget Sound Region: A Transit-Oriented Development Workbook*. Seattle, WA.

- Applying a residential guest parking standard Citywide similar to Bothell's requirements at one space per 5 dwelling units. The Northwest Quadrant alternatives include guest parking roughly at this standard. Other jurisdictions do not necessarily establish a guest-parking standard, but prior discussions with Planning Commission members indicated a need for a guest standard based on operation of current multifamily developments in Kenmore.

PARKING STANDARDS – AMENDMENTS

18.45.030 (formerly 21A.18.030) Computation of required off-street parking spaces.

A. Except as modified in KMC 18.45.070 (B) through (D), off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of non-public areas. Non-public areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, <u>Except in Downtown Commercial and Downtown Residential Zones west of 68th Avenue NE</u>	<u>MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones west of 68th Avenue NE</u>
RESIDENTIAL (KMC 18.25.030(A)):		
Single Detached/Townhouse	2.0 per dwelling unit	<u>1.5 per dwelling unit; Tandem stalls permitted.</u>
Apartment:		
Studio units	1.2 per dwelling unit	<u>1.0:du; Tandem stalls permitted.</u>
One bedroom units	1.5 per dwelling unit	<u>1.0:du; Tandem stalls permitted.</u>
Two bedroom units	1.7 per dwelling unit	<u>1.5:du; Tandem stalls permitted.</u>
Three bedroom units or larger	2.0 per dwelling unit	<u>1.7:du; Tandem stalls permitted.</u>
<u>Guest Parking</u>	<u>1 space per every 5 units</u>	<u>1 space per every 5 units</u>
Mobile home park	2.0 per dwelling unit	<u>2.0 per dwelling unit</u>
Senior citizen assisted	1 per 2 dwelling or sleeping units	<u>1 per 2 dwelling or sleeping units</u>
Community residential facilities	1 per two bedrooms	<u>1 per two bedrooms</u>
Dormitory, including religious	1 per two bedrooms	<u>1 per two bedrooms</u>
Hotel/Motel including organizational hotel/lodging	1 per bedroom	<u>1 per bedroom</u>
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility	<u>1 per guest room, plus 2 per facility</u>
RECREATION/CULTURAL (KMC 18.25.040(A)):		
Recreation/culture uses:	1 per 300 square feet	<u>1 per 300 square feet</u>
Exceptions:		
Bowling center	5 per lane	<u>5 per lane</u>
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities	<u>=</u>
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility	<u>=</u>
Golf driving range	1 per tee	<u>=</u>
Park/playfield	(director)	<u>(director)</u>
Theater	1 per 3 fixed seats	<u>1 per 3 fixed seats</u>
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.	<u>1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.</u>

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, <u>Except in Downtown Commercial and Downtown Residential Zones west of 68th Avenue NE</u>	<u>Downtown Commercial and Downtown Residential Zones west of 68th Avenue NE</u>
GENERAL SERVICES (KMC 18.25.050(A)):		
General services uses:	1 per 300 square feet	<u>1 per 300 square feet</u>
Exceptions:		
Funeral home/Crematory	1 per 50 square feet of chapel area	<u>=</u>
Daycare I	2 per facility	<u>2 per facility</u>
Daycare II	2 per facility, plus 1 space for each 20 children	<u>2 per facility, plus 1 space for each 20 children</u>
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes	<u>1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes</u>
Outpatient and veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms	<u>1 per 300 square feet of office, labs and examination rooms</u>
Nursing and personal care facilities	1 per 4 beds	<u>=</u>
Hospital	1 per bed	<u>1 per bed</u>
Elementary schools	1 per classroom, plus 1 per 50 students	<u>1 per classroom, plus 1 per 50 students</u>
Secondary schools		
Middle/junior high schools	1 per classroom, plus 1 per 50 students	<u>1 per classroom, plus 1 per 50 students</u>
High schools	1 per classroom, plus 1 per 10 students	<u>1 per classroom, plus 1 per 10 students</u>
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium	<u>greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium</u>
Vocational schools	1 per classroom, plus 1 per five students	<u>1 per classroom, plus 1 per five students</u>
Specialized instruction schools	1 per classroom, plus 1 per two students	<u>1 per classroom, plus 1 per two students</u>
Artist Studios	0.9 per 1,000 square feet of area used for studios	<u>0.9 per 1,000 square feet of area used for studios</u>
GOVERNMENT/BUSINESS SERVICES (KMC 18.25.060(A)):		
Government/business services uses:	1 per 300 square feet	
Exceptions:		
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas	<u>=</u>
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	<u>=</u>
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	<u>3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas</u>
Police facility	(director)	<u>(director)</u>
Fire facility	(director)	<u>(director)</u>
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area	<u>1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area</u>
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	<u>1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area</u>
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit	<u>1 per 3,500 square feet of storage area, plus 2 for any resident director's unit</u>
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	<u>=</u>
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	<u>=</u>
Office	1 per 300 square feet	<u>1 per 300 square feet</u>
RETAIL/WHOLESALE (KMC 18.25.070(A)):		
Retail trade uses:	1 per 300 square feet	<u>1 per 300 square feet</u>
Exceptions:		
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	<u>3 plus 1 per 350 square feet</u>

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, <u>Except in Downtown Commercial and Downtown Residential Zones west of 68th Avenue NE</u>	<u>Downtown Commercial and Downtown Residential Zones west of 68th Avenue NE</u>
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay	<u>3 per facility, plus 1 per service bay</u>
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store	<u>1 per facility, plus 1 per 300 square feet of store</u>
Restaurants	1 per 75 square feet in dining or lounge areas	<u>1 per 75 square feet in dining or lounge areas</u>
Wholesale trade uses	0.9 per 1000 square feet	<u>0.9 per 1000 square feet</u>
Retail and wholesale trade mixed use	1 per 300 square feet	<u>1 per 300 square feet</u>
MANUFACTURING (KMC 18.25.080(A)):		
Manufacturing uses	0.9 per 1,000 square feet	--
Winery/Brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	--
RESOURCES (KMC 18.25.090(A)):		
Resource uses	(director)	--
REGIONAL (KMC 18.25.100(A)):		
Regional uses	(director)	<u>(director)</u>

Note: -- = use not permitted

B. An applicant may request a modification of the minimum required number of parking spaces by providing a parking demand analysis demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to 50 percent of the minimum required number of spaces.

C. When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the director will establish the amount of parking based on a likely range of uses.

D. Where ~~other~~ provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:

a. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

(1) Park/playfield,

(2) Marina;

(3) Library/museum/arboretum;

(4) Elementary/secondary school;

(5) Sports club; or

(6) Retail business (when located along a developed bicycle trail or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than 10 people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

F. Exceedance of Minimum Parking – Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE: Provision of parking in excess of the minimum parking requirements shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed-use development and is interim in nature per KMC 18.35.130.

G. Tree Retention DC and DR Zones – Where an applicant proposes retention of trees in accordance with KMC 18.40.100(I) in the DC and DR zones, the director may reduce parking requirements by one parking space for every two significant trees that are saved in excess of the significant tree ordinance requirements.

18.45.040 (formerly 21A.18.040) Shared parking requirements. The amount of off-street parking required by KMC 18.45.030 may be reduced by an amount determined by the director when shared parking facilities for two or more uses are proposed, provided:

- A. The total parking area exceeds 5,000 square feet;
- B. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the most remote shared facility;
- C. The amount of the reduction shall not exceed 10 percent for each use, unless:

1. The normal hours of operation for each use are separated by at least one hour; or
2. A parking demand study is prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and those uses will be served by adequate parking if shared parking reductions are authorized;

3. The use is a mixed use development pursuant to KMC 18.35.120, in which case a 25% reduction may be granted;

34. The director will determine the amount of reduction subject to subsection (D) of this section.

D. The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;

E. A covenant or other contract for shared parking between the cooperating property owners is approved by the director. This covenant or contract must be recorded with the city of Kenmore as a deed restriction on both properties and cannot be modified or revoked without the consent of the director; and

F. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

SIGN ALLOWANCES IN DOWNTOWN ZONES – DISCUSSION

The Kenmore sign regulations inherited from King County vary by zoning district. By adopting new Downtown zones, there is a need to specify sign requirements. Below the current standards are summarized in **Table M** showing that the Regional Business (RB) zone, which applies to much of the Downtown area currently, allows the greatest amount of signage. The RB zone level of signage is more suited to suburban highway development along arterials than to a Downtown area with a finer grid, slower speeds, and/or pedestrian orientation.

Table M. Current Kenmore Commercial Zone Sign Allowances

SIGN TYPE	OFFICE (O)	NEIGHBORHOOD BUSINESS (NB)	COMMUNITY BUSINESS (CB)	REGIONAL BUSINESS (RB)
WALL SIGNS – Maximum Cumulative Square Feet	10% of façade along street frontage	10% of façade	15% of façade	15% of façade
FREESTANDING				
Basic Allowances –Number and Square Feet	1 @ 50 s.f. per street frontage	1 @ 50 s.f. per street frontage	1 @ 85 s.f. per street frontage	1 @ 170 s.f. per street frontage
Per Tenant Increase in Sign Size	--	--	An additional 20 s.f. per business up to 145 s.f.	--
Multi-tenant Developments with > 300 feet of street frontage	--	1 additional freestanding per every 300 feet of street frontage.	Same as NB	Same as NB
Sites where more than 1 sign is allowed: Combination of Allowed Square Feet Permitted	Combined total maximum 80 s.f.	Combined total maximum 150 s.f.	Combined total to 250 s.f.	Combine total to 300 s.f.
Height	15 ft.	15 ft.	20 ft.	25 ft.
PROJECTING	In lieu of wall sign	In lieu of wall sign	In lieu of wall sign	In lieu of wall sign
AWNING	In lieu of wall sign	In lieu of wall sign	In lieu of wall sign	In lieu of wall sign
BILLBOARDS (may be altered or relocated not added into identified zones)	--	--	Yes	Yes

Source: KMC 18.50

PROPOSED INTERIM SIGN AMENDMENTS

In the interim, prior to a comprehensive work program to overhaul the sign code more thoroughly, some refinements are suggested below to ensure signage will better fit with the Downtown character desired, and the suggested amendments generally follow from the July 2002 Downtown Design Standards Addendum which had contained some recommendations for signs.

18.50.060 (formerly 21A.20.060) General sign requirements. A. All signs, except billboards, community bulletin boards, community identification signs, political signs, real estate signs and special event signs shall be on-premise signs; provided, that uses located on lots without public street frontage in business, office and industrial zones may have one off-premise directional sign of no more than 16 square feet.

B. Fuel price signs shall not be included in sign area or number limitations of KMC 18.50.100 through 18.50.130, provided such signs do not exceed 20 square feet per street frontage.

C. Projecting and awning signs ~~and signs mounted on the sloping portion of roofs~~ shall not be permitted for uses in the ~~resource and~~ residential zones. Signs mounted on the sloping portion of roofs shall not be permitted in the Residential Downtown Residential, and Downtown Commercial zones. Allowances for projecting and awning signs in the Downtown Commercial Zone are found in Section KMC 18.50.100. In other zones, projecting and awning signs and signs mounted on the sloping portion of roofs may be used in lieu of wall signs, provided:

1. They maintain a minimum clearance of eight feet above finished grade;
2. They do not project more than six feet perpendicular from the supporting building facade;
3. They meet the standards of subsection (J) of this section if mounted on the roof of a building; and
4. They shall not exceed the number or size permitted for wall signs in a zone.

D. Changing message center signs, and time and temperature signs, which can be a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding sign, and shall be permitted only in the NB, CB, and RB, O, and I zones. Changing message center signs and time and temperature signs shall not exceed the maximum sign height permitted in the zone.

E. Directional signs shall not be included in the sign area or number limitation of KMC 18.50.080, provided they shall not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.

F. Sign illumination and glare:

1. All signs in the NB, CB, RB, ~~O, DC~~, or I zone districts may be illuminated. Signs in all other zones may be indirectly illuminated, provided the light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign;
2. Indirectly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way;
3. Electrical requirements for signs shall be governed by Chapter 19.28 RCW and WAC 296-46-910; and
4. Signs with an on/off operation shall be permitted only in the CB, RB, and I zones.

G. Maximum height for wall signs shall not extend above the highest exterior wall or structure upon which the sign is located, except in the DC zone which is governed by KMC 18.50.100.

H. Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.

I. Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.

J. Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.

K. Except as otherwise permitted by this chapter, off-premise directional signs shall not exceed four square feet in sign area.

L. Mixed use developments in the NB, CB, DC, or RB, ~~or Θ~~ zones are permitted one permanent residential identification sign not exceeding 32 square feet in addition to the maximum sign area requirements in the zone where the mixed use development is located.

18.50.090 (formerly 21A.20.080) Residential zone signs. Signs in the Downtown Residential, and R zones are limited as follows:

A. Nonresidential Use:

1. One sign identifying nonresidential uses, not exceeding 25 square feet and not exceeding six feet in height is permitted;

2. Schools are permitted one sign per school or school facility entrance, which may be located in the setback. Two additional wall signs attached directly to the school or school facility are permitted;

3. Home occupation and home industry signs are limited to wall signs not exceeding six square feet.

B. Residential Use.

1. One residential identification sign not exceeding two square feet is permitted; and

2. One permanent residential development identification sign not exceeding 32 square feet is permitted per development. The maximum height for the sign shall be six feet. The sign may be freestanding or mounted on a wall, fence, or other structure.

18.50.100 (Formerly 21A.20.090) ~~Office-Downtown Commercial~~ zone signs. Signs in the ~~Θ~~Downtown Commercial zones shall be limited as follows:

A. Wall signs are permitted, provided they do not total an area more than 10 percent of the building facade on which they are located and provided they are limited to building facades with street frontage or to building facades with a business entrance if the business has an exterior façade which does not face a street. A maximum of 2 wall signs⁶ may be permitted per allowed façade, except that multi-tenant buildings may have one wall sign per business. The wall sign shall be placed on the façade not more than 25 feet above grade, measured to the top of the sign, except that properties fronting SR-522 may have one wall sign above 25 feet above grade if the sign is limited to the name and/or logo of the business(es) or development.⁷

B. Freestanding signs.

⁶ Adds a limit to the number of wall signs, which is not currently stated. At current regulations, as many wall signs as possible within the 10% are allowed. By having a maximum, and also offering other signs in lieu, such as projecting signs, there should be controlled signage.

⁷ This allows taller buildings along SR-522 to have a logo sign at the top floor (similar to icons on buildings along I-90 in Bellevue). Buildings along other streets would need to provide signage at a pedestrian height.

1. Number and Size:

a. One freestanding sign not exceeding 50 square feet is permitted for each street frontage of the lot, provided corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign. Properties fronting SR-522 may have one freestanding sign for the frontage along SR-522 that shall not exceed 75 square feet.

b. Properties providing freestanding signs no greater than 5 feet in height are allowed a maximum sign size of 60 square feet, unless located on SR-522 where such signs shall not exceed 85 square feet;⁸

2. On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined; provided the combined sign does not exceed 80 square feet, except that properties fronting SR-522 may combine signage to a maximum of 100 square feet; and

3. The maximum height for freestanding signs shall be 15 feet, unless the sign is placed along the frontage of SR-522 when it may be a maximum of 25 feet in height.⁹

C. Awning signs: An awning sign(s) may be used in place of a wall sign or freestanding sign. A maximum of 50 square feet of copy may appear on the vertical face area; the drop edge of the awning shall not exceed 12 inches in height. The maximum height of an awning shall be 10 feet. Awnings may extend over the right-of-way and have clearances according to the terms of the adopted Uniform Building Code. The awning sign shall be unlit or externally illuminated. Directed lighting under an awning for purposes of lighting a business entrance is allowed. Backlighting of awnings for sign purposes shall not be permitted;

D. Projecting signs: A projecting sign(s) may be used in place of a wall sign or freestanding sign. Such projecting signs shall not exceed 12 square feet in size if unlit or externally lit, or 6 square feet if internally lit. Such signs shall be located on building facades with street frontage or to building facades with a business entrance if the business has an exterior façade which does not face a street. A projecting sign may extend over the public-right-of-way by no more than 4 feet from the wall it is mounted on¹⁰. When projecting over a public-right-of-way, a minimum of 8 feet clearance above the surface of the sidewalk is required.

⁸ Greater area for low "monument" signs are incentives over pole signs.

⁹ Based on auto visibility for a street with 35 mph speed limit, an idea sign height is 15 to 20 feet (*Sign Regulation for Small and Midsized Communities*, Kelly and Raso 1989). The lower height standard above would apply to the more pedestrian oriented streets in the Downtown Commercial zone, while the greater height standard reflects the higher auto speed and highway orientation on SR-522.

¹⁰ A maximum 4-foot projection is based on a model code from *Street Graphics and the Law* (Mandelker and Ewald 1988). Other jurisdictions allow various projections – Bellevue 5 feet, Olympia 3 feet, Seattle, 6 feet.

NONCONFORMANCE AND EXISTING LEGAL REGULATIONS

The distinctions between a prohibited use, nonconforming use, and existing legal use are defined as follows in **Table N**:

Table N. Definitions of Prohibited, Nonconforming, and Existing Legal Uses

PROHIBITED (proposed definition; not found in KMC)	NONCONFORMING	EXISTING LEGAL (proposed definition; not found in KMC)
USES, PROHIBITED: Any such use not specifically enumerated or interpreted as allowable in that district.	18.20. 1860 (formerly 21A.06.800) Nonconformance. Nonconformance: any use, improvement or structure established in conformance with city of Kenmore rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the code due to changes in the code or its application to the subject property.	EXISTING LEGAL USES: Where the term "existing" or "existing legal" follows a listed use type within the table(s), then those uses that can document their legal status, are considered to be a Permitted Use given all the rights of other permitted uses within the district, until such time as there is a change of use or abandonment per KMC 18.75.085. In addition, these uses may be rebuilt 'as is, where is' should they suffer damage. These uses may be remodeled without limitation on value and may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.), unless otherwise specifically conditioned.

Source: Kenmore (King County) Code; Jones & Stokes Associates

In general terms, the distinctions can be understood as follows:

- New/proposed uses determined to be prohibited in a zone would not be allowed;
- Existing uses that no longer conform to the zoning district allowances would be nonconforming and subject to nonconforming regulations of KMC 18.75. They may remain in operation and rebuild if not abandoned or discontinued for more than 12 months. If the nonconforming use is changed to a conforming use, the nonconforming use may not be re-established. Expansions of nonconforming uses, structures, or site improvements may each be allowed administratively up to 10%. It appears a conditional use permit process may be pursued to expansions above this limit.
- "Existing legal" uses are permitted uses of a property that may expand or rebuild in accordance with the City code requirements, but no new uses of that type may be established in the zone. There is no specific cap on expansions. If the use is changed to a permitted use, or if the use is abandoned for up to 12 months, then the existing legal use status is removed. The advantage to the property owner/business owner is that the existing use is considered permitted, there are no additional permit procedures beyond basic permit procedures in order to expand, and it is likely to be easier to obtain financing as compared to a nonconforming use.

Based on a legal review, case law makes it clear that while nonconforming uses are not favored in law, and phasing out nonconforming uses is generally a policy goal of zoning legislation,¹¹ local governments are not required to adopt phase-out standards.¹² Instead, local governments are free to seek solutions to

¹¹ *University Place*, 144 Wn.2d 640 at 648. See also, *Meridian Minerals Co. v. King County*, 61 Wn.App 195, 206, 810 P.2d 31 (1991), review denied.

¹² 17 Wash. Prac., Real Estate: Property Law § 4.21, Nonconforming Uses, citations omitted.

the nonconforming use problem according to local circumstances and may “preserve, limit or terminate nonconforming uses.”¹³ Local governments may, at their discretion, allow the enlargement, extension or expansion of nonconforming uses.¹⁴ The use of the “existing legal” concept accordingly appears to be within the City’s discretion.

While the Kenmore nonconformance and proposed existing legal regulations offer flexibility in terms of expansions and continuing a use, there are three areas that were identified for amendment based upon public comment or need for clear interpretation:

- The Kenmore (King County) regulations regarding nonconforming uses do not specifically restrict the expansion of nonconforming uses onto adjacent properties, and the issue has not come up for interpretation. In the case of nonconforming uses, this Plan recommends that the expansion should occur on the original parcels containing the nonconforming use. It was recommended that expansion of existing legal uses may be permitted to adjacent parcels if the adjacent parcels were and still are owned or leased by the same business owner at the time the use became existing legal.
- Regarding the 12-month maximum period to re-establish an existing legal or nonconforming use, concerns were raised by the public as to whether applications for building permits or active re-leasing are sufficient to indicate that the use has not been abandoned. This Plan indicates that 12 months would be the limit for reestablishing an existing legal use but an extension from the City could be requested if there were extenuating circumstances
- If a primary use is permitted, e.g. financial institutions, but the associated drive-through is nonconforming, it was questioned whether the drive through service function could be kept if the primary use is expanded or altered. This Plan includes amendments allowing, if a conforming use was expanded requiring the relocation of a nonconforming drive through lane, then the lane could be relocated subject to design standards and still considered nonconforming.

PROPOSED AMENDMENTS – NONCONFORMING AND EXISTING LEGAL REGULATIONS

Chapter 18.75 (formerly 21A.32) General Provisions: Nonconformance, Existing Legal, Temporary Uses, And Re-Use Of Facilities

18.75.050 (formerly 21A.32.045) Nonconformance – Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement. A nonconforming use which has been discontinued or a nonconforming structure or site improvement which has been damaged or destroyed, may be re-established or reconstructed if:

- A. The nonconforming use, structure, or site improvement which previously existed is not expanded;
- B. A new nonconformance is not created; and
- C. The use has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming structure or site improvement is reconstructed pursuant to a

¹³ *Rhod-A-Zalea & 35th Inc. v. Snohomish County*, 136 Wn.2d 1, 7, 959 P.2d 1024 (1998), reconsideration denied.

¹⁴ 17 Wash. Prac. 4.21, FN6 (citations omitted). See also, *Meridian Minerals* at 208 (county might permit unlimited expansion of nonconforming land uses).

complete permit application submitted to the department within 12 months of the occurrence of damage or destruction and the construction is diligently pursued according to issued permits.

D. Requests for extension of the period identified in subsection (C) of this section to continue the use or submit construction applications may be made to the Community Development Director or his/her designee in writing prior to the expiration of twelve month period, and shall be treated as a Type 2 permit review. The Community Development Director or his/her designee shall determine whether to grant the extension for use continuance or reconstruction on (i) the basis of a good faith effort by the applicant either to lease property or to make a complete application or pursue the fulfillment of approved development permits with diligence, and, (ii) extenuating circumstances beyond the control of the applicant have caused a delay towards continuing the use or towards preparation of a complete application or diligent pursuit of construction. Examples of situations that would not qualify as extenuating circumstances include a change in economic market conditions for a use, or delays in financing.

18.75.060 (formerly 21A.32.055) Nonconformance – Modifications to nonconforming use, structure, or site improvement. Modifications to a nonconforming use, structure, or site improvement may be reviewed and approved by the department pursuant to the code compliance review process of KMC 18.95.010 provided that:

- A. The modification does not expand any existing nonconformance; and
- B. The modification does not create a new type of nonconformance.

18.75.070 (formerly 21A.32.065) Nonconformance – Expansions of nonconforming uses, structures, or site improvements. A nonconforming use, structure, or site improvement may be expanded, provided the expansion does not extend beyond the original parcels at the time the use or structure or site improvements became nonconforming, as follows:

A. The department may review and approve, pursuant to the code compliance process of KMC 18.95.010, an expansion of a nonconformance provided that:

1. The expansion shall conform to all other provisions of this title, except that the extent of the project-wide nonconformance in each of the following may be increased up to 10 percent:

- a. building square footage,
- b. impervious surface,
- c. parking, or
- d. building height.

2. Unless provisions specifically indicate conditions under which full compliance with standards are required, when expansions are proposed pursuant to subsections (A), (B) or (C) of this section, the percentage (by value) of the required code compliance standards to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing lot and structure improvements up to 100 percent; the reviewing official shall have the authority to specify the location and phasing sequence of the required improvements which fall under this section. The percentage (by value) of the required design or development standards to be installed shall be related to the building or site improvement proposed by the applicant. For example, if parking expansions are proposed, parking lot landscaping requirements may be applied.

3. No subsequent expansion of the same nonconformance shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (A)(1) of this section.

4. Where an accessory drive through service use is determined to be nonconforming, but expansion of the principal allowed use is authorized, the nonconforming accessory drive through service activity may be retained along with the expanded principal allowed use, provided the accessory drive through service meets required design standards and is not increased in size or scope.

B. A special use permit shall be required for expansions of a nonconformance within a development authorized by an existing special use or unclassified use permit if the expansions are not consistent with the provisions of subsection (A) of this section.

C. A conditional use permit shall be required for expansions of a nonconformance:

1. Within a development authorized by an existing planned unit development approval, or

2. Not consistent with the provisions of subsections (A) and (B) of this section.

D. No expansion shall be approved that would allow for urban growth outside the urban growth area, in conflict with city of Kenmore comprehensive plan rural and natural resource policies and constitute impermissible urban growth outside an urban growth area.

18.75.080 (formerly 21A.32.075) Nonconformance – Required findings. Modifications or expansions approved by the department shall be based on written findings that the proposed modification or expansion of a nonconformance located within a development governed by an existing conditional use permit, special use permit, unclassified use permit, or planned unit development shall provide the same level of protection for and compatibility with adjacent land uses as the original land use permit approval.

18.75.085 Existing Legal Uses Abandonment.

A. If an existing legal use has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming structure or site improvement is reconstructed pursuant to a complete permit application submitted to the department within twelve months of the occurrence of damage or destruction and the construction is diligently pursued according to issued permits, such existing legal use may be retained.

i. Uses identified as existing legal in the DC zone, which became vacant during the term of Moratorium Ordinance No. 02-0135 and prior to the effective date of these regulations, are considered to start their 12-month abandonment clause period as of the effective date of the DC zone regulations.

B. Requests for extension of the period identified in subsection (A) of this section to continue the use or submit construction applications may be made to the Community Development Director or his/her designee in writing prior to the expiration of twelve month period, and shall be treated as a Type 2 permit review. The Community Development Director or his/her designee shall determine whether to grant the extension for use continuance or reconstruction on (i) the basis of a good faith effort by the applicant either to lease property or to make a complete application or pursue the fulfillment of

approved development permits with diligence, and, (ii) extenuating circumstances beyond the control of the applicant have caused a delay towards continuing the use or towards preparation of a complete application or diligent pursuit of construction. Examples of situations that would not qualify as extenuating circumstances include a change in economic market conditions for a use, or delays in financing.

18.75.087 Existing Legal Uses Expansion. Uses listed as permitted “existing legal” uses in a zone may be rebuilt or re-established should they suffer damage. These uses may be remodeled or enlarged subject to current development code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.). Expansion may occur on original parcels containing the use as of the effective date of “existing legal” status. Expansion of existing legal uses may be permitted to adjacent parcels if the adjacent parcels were and are still owned or leased by the same business or residential use owner at the time the use became existing legal.

RESIDENTIAL DENSITY INCENTIVES – DISCUSSION

Under existing regulations, Kenmore (via King County regulations) offers density bonuses based upon the provision of affordable housing, open space/trails/parks, historic site dedication or restoration, and energy conservation. Comprehensive Plan policies LU-2.3.5 and LU-10.2.2 would shorten the current list of amenities available generally in the Community to innovative low-cost housing, or significant open space, public parks, and public trails. In the Downtown, density incentives are promoted in policies for shared and structured parking, or consolidation of lots. Also, density incentives are one method under consideration to provide additional usable landscaped areas (Policies LU-2.3.5 and LU-10.2.2). The Downtown Density Study from October 2001 (**Appendix C**) recommended that density bonus provisions be addressed as follows:

- Maintain the density bonus system for affordable housing, which has been recently used by Kenmore Senior Housing.
- Maintain the density bonus system for parks/recreation/open space, pending the outcome of the City Parks Plan, which may offer or add other ideas to increase recreational amenities.
- Maintain the floor area bonus for structured parking and the parking reduction for shared parking. (It was noted that this might be revisited with the Northwest Quadrant Master Plan and Zoning Alternatives).
- Disallow buildings to be constructed over property lines, and/or waive permit fees associated with lot consolidation such as lot line adjustments, and/or City acts as a facilitator matching compatible owners that can work jointly to consolidate and sell/develop, and/or City purchases land as part of the Civic Center development, and consolidates/resells surplus property (applies only to the Northwest Quadrant).
- Amend basic maximum impervious surface standards, particularly outside of Downtown, or pursue offsets to utility system or mitigation fees.
- Ensure that with minimum densities, development can be phased in a manner that does not preclude higher density/intensity development in the future.

Development standards in **Section II-3** Downtown Zoning Proposal essentially follow the Downtown Density Study intent by: continuing affordable housing bonuses as amended (below), maintaining the parks/recreation/open space bonuses (below), retaining the incentives for shared parking in **Section II-3**, translating the structured parking bonus into the height bonuses to simplify the code in **Section II-2**, and applying minimum densities in all Downtown districts in **Section II-2**. Lot consolidation incentives are likely to be addressed in other code mechanisms or City marketing efforts rather than density incentives.

Affordable Housing

Affordable housing allowances are a requirement of the Growth Management Act and Countywide Planning Policies for King County. To date, the City of Kenmore has maintained the affordable housing bonus regulations developed by King County. As part of the Downtown Plan, an evaluation of the bonuses has been conducted in part with the assistance of A Regional Coalition for Housing (ARCH) of which Kenmore is a member. The proposed affordable housing bonus amendments are described below.

In the short term, the provision of affordable housing within development in Downtown should remain an option, rather than a requirement. Over 100 units of affordable housing have been constructed in Downtown in recent years under the existing program. Further, it was felt that, based upon current market conditions, a requirement to provide affordable housing would prove to be a disincentive to development in the area and could delay construction of buildings consistent with the Downtown Plan. As market conditions change, this approach should be reevaluated every three years. Should market conditions change such that housing becomes less affordable in Kenmore and that the market could “bear” the burden of an affordable housing requirement, the City could reconsider this approach.

According to a Real Estate Research Report and supplemental field survey by staff of ARCH, the market in Kenmore is currently providing rental housing affordable to people making 80% of the County median income. It is therefore not appropriate to provide incentives such as bonus units to developers providing such units. A program similar to the one already existing (some changes have been made reflecting the current market condition described above) is recommended:

For units affordable to those making up to 50 percent of the King County median, 2 bonus units per unit provided. The bonus of 2.0 bonus units per affordable unit reflects the difficulty of achieving the low income level and provides more incentive for providing this level of affordability. A rough economic analysis by ARCH indicated that a 2:1 bonus would be the minimum to attract a housing provider to seriously consider providing homes at this income level.

For rental units affordable to those making up to 70 percent of the King County median and ownership units affordable to those making up to 80% of the King County median income, 1.0 bonus units per unit provided. The 70 percent level for rental housing reflects the current market conditions that already provide units above 70 percent. *Ownership* housing, even for moderate income families at 80%, is still more difficult to develop.

It would also be appropriate to include a requirement that at least a specific percentage of the units at the Park and Ride site be affordable. While the City’s primary affordable housing approach is and continues to be incentive-based through voluntary density bonus incentives, the City’s current regulatory structure *requires* affordable housing in two large areas – LakePointe and Plywood Supply where 10% of the units on these large properties (30-50 acres) is required to be affordable. Likewise in the Downtown area north of SR-522, there are only a few relatively large properties, with the Park and Ride the primary site where currently *King County* is soliciting development proposals containing a 25% affordable housing requirement to meet overall County affordability goals. This Plan recommends an affordable housing requirement applicable to sizable developments on 4 or greater acres in the DC or DR zones, *west of 68th Avenue NE* for two reasons: 1) these properties were identified for increased densities without utilization of the voluntary density bonus program; and 2) properties of this size are likely to develop in a master planned manner. Recommended affordable housing requirements follow Density Incentive Amendments.

DENSITY INCENTIVE AMENDMENTS

18.80.010 (formerly 21A.34.010) Purpose. The purpose of this chapter is to provide density incentives to developers of residential ~~property lands in urban areas and rural activity centers~~, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, open space protection, ~~and parkland acquisition historic preservation and energy conservation~~, by:

A. Defining in quantified terms the public benefits that can be used to earn density incentives;

- B. Providing rules and formulae for computing density incentives earned by each benefit;
- C. Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and
- D. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

18.80.020 (formerly 21A.34.020) Permitted locations of residential density incentives. Residential density incentives (RDIs) shall be used only on sites served by public sewers and only in the following zones:

- A. In R-4 through R-~~48-24~~ and Downtown Residential zones; and
- B. In DC, NB, CB, and RB ~~and O~~-zones when part of a mixed use development.

18.80.030 (formerly 21A.34.030) Maximum densities permitted through residential density incentive review. The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the development site ~~or 200 percent of the base density for RDI proposals with 100 percent affordable units.~~

18.80.040 (formerly 21A.34.040) Public benefits and density incentives. A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are in subsection (F) of this section. The density incentive is expressed as additional bonus dwelling unit, or fractions of dwelling units, earned per amount of public benefit provided.

B. Bonus dwelling units may be earned through any combination of the listed public benefits.

C. The guidelines for affordable housing bonuses including the establishment of rental levels, housing prices and asset limitations, will be updated and adopted annually by the council in the consolidated housing and community development plan.

D. Bonus dwelling units may also be earned and transferred to the project site through the transfer of development credits (TDC) process by providing any of the open space, or park site ~~or historic preservation~~-public benefits set forth in subsections (F)(2) or (F)(3) of this section on sites other than that of the RDI development.

E. Residential development in R-4 through R-~~48-24~~ and Downtown Residential zones with property specific development standards requiring any public benefit enumerated in this chapter, shall be eligible to earn bonus dwelling units in accordance with subsection (F) of this section if the public benefits provided exceed the basic development standards of this title. If a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.

F. The following are the public benefits eligible to earn density incentives through RDI review:

BENEFIT	DENSITY INCENTIVE
<p>1. AFFORDABLE HOUSING</p> <p>a. Benefit units consisting of rental housing permanently priced to serve non-senior citizen low-income households (i.e. no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city of Kenmore shall be recorded at final approval.</p> <p>b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e. no greater than 30 percent of gross income for 1 or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city of Kenmore shall be recorded at final approval.</p> <p>eb.- Benefit units consisting of senior citizen assisted housing units 600 square feet or less.</p> <p>c. Benefit units consisting of rental housing permanently priced to serve moderate-income households (i.e. no greater than 30 percent of gross income for households at or below 70 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city of Kenmore shall be recorded at final approval.</p> <p>d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to the city of Kenmore on both buyer eligibility and housing prices.</p> <p>e. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15-year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to the city of Kenmore on both buyer eligibility and housing prices.</p> <p><u>d.</u> Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A</p>	<p>1.5-2 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.</p> <p>1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.</p> <p><u>1.0</u> bonus unit per benefit unit</p> <p><u>1.0</u> bonus unit per benefit unit</p> <p>0.75 bonus unit per benefit unit.</p> <p>1 bonus unit per benefit unit.</p> <p><u>1.51.0</u> bonus units per benefit unit.</p>

BENEFIT	DENSITY INCENTIVE
<p>covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the city of Kenmore shall be recorded at final approval.</p>	
<p>e. Projects in which 100 percent of the units are reserved for moderate income – and asset-qualified buyers (total household income at or below 80-70-50 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15-30 years from date of first sale. Final approval conditions shall specify requirements for reporting to the city of Kenmore on both buyer eligibility and housing prices.</p>	<p>200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section. <u>2.0 bonus unit per benefit unit</u></p>
<p>f. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home, that has been or will be displaced due to closure of a mobile home park located in the city of Kenmore.</p>	<p>1.0 bonus unit per benefit unit.</p>
<p>2. OPEN SPACE, TRAILS AND PARKS</p>	
<p>a. <u>Reserved for future Parks, trails, and Open Space Bonus system revisions.</u></p>	
<p>b. <u>Interim Bonus System</u></p>	
<p>ai. Dedication of park site or trail right-of-way meeting the city of Kenmore location and size standards for neighborhood, community or regional park, or trail, and accepted by the parks division.</p>	<p>0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of 18.35 KMC for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.</p>
<p>bii. Improvement of dedicated park site to city of Kenmore standards for developed parks.</p>	<p>0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.</p>
<p>eiii. Improvement of dedicated trail segment to city of Kenmore standards.</p>	<p>1.8 bonus units per quarter-mile of trail constructed to city standard for pedestrian trails; or</p>
	<p>2.5 bonus units per quarter-mile of constructed to city standard for multipurpose trails (pedestrian/bicycle/equestrian).</p> <p>Shorter segments shall be awarded bonus units on a pro-rate basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.</p>
<p>dii. Dedication of open space, meeting city of Kenmore acquisition standards to the city or a qualified public or private organization such as a nature conservancy.</p>	<p>0.5 bonus unit per acre of open space.</p>
<p>3. HISTORIC PRESERVATION</p>	
<p>a. Dedication of a site containing an historic landmark in accordance with Chapter 2.20 KMC, to the City of Kenmore or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the city of Kenmore landmarks commission.</p>	<p>0.5 bonus unit per acre of historic site.</p>
<p>b. Restoration of a site or structure designated as an historic landmark in accordance with Chapter 2.20 KMC to a specific architectural or site plan approved by the city of</p>	<p>0.5 bonus unit per acre of site or 1,000 square feet of floor area of building restored.</p>

BENEFIT	DENSITY INCENTIVE
Kenmore landmarks commission.	
4. ENERGY CONSERVATION	
a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	0.15 bonus unit per benefit unit that achieves the required savings.
b. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other non-electric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	0.10 bonus unit per benefit unit that achieves the required savings.
c. Developments located within one-quarter mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime non-peak hours.	10 percent increase above the base density of the zone.
5. PUBLIC ART	
a. Devoting one percent of the project budget to public art on-site.	Five percent increase above the base density of the zone.
b. Contributing one percent of the project budget to the city of Kenmore public art fund for development of art projects. The contribution shall be used for projects located within a one-mile radius of the development project.	Five percent increase above the base density of the zone.
NOTE: If proposed energy conservation bonus units of KMC 18.80.040 are reviewed in conjunction with a subdivision or a short subdivision, the applicant shall provide data and calculations for a typical house of the type to be built in the development that demonstrates to the department's satisfaction how the required savings will be achieved. A condition of approval shall be recorded with the plat and shown on the title of each lot specifying the required energy savings that must be achieved in the construction of the dwelling unit. The plat notation shall also specify that the savings shall be based on the energy code in effect at the time of preliminary plat application.	

18.80.050 (formerly 21A.34.050) Rules for calculating total permitted dwelling units. A. The formula for calculating the total number of dwelling units permitted through RDI review is as follows:

$$\begin{array}{rclcl}
 \text{DUs allowed by} & + & \text{Bonus DUs} & + & \text{DUs allowed by} & = & \text{TOTAL RDI} \\
 \text{RDI site base} & & & & \text{sending site} & & \text{DUs} \\
 \text{Density} & & & & \text{density (if any)} & &
 \end{array}$$

B. The total dwelling units permitted through RDI review shall be calculated using the following steps:

1. Calculate the number of dwellings permitted by the base density of the site in accordance with Chapter 18.30 KMC;

2. Calculate the total number of bonus dwelling units earned by providing the public benefits listed in KMC 18.80.040;

3. Add the number of bonus dwelling units earned to the number of dwelling units permitted by the base density;

4. Add the number of dwelling units permitted by the base density of the site sending TDCs, if any;

5. Round fractional dwelling units to the nearest whole number; .49 or less dwelling units are rounded down; and

6. On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units may be reallocated within the zones in the same manner set forth for base units in KMC 18.30.180.

18.80.060 (formerly 21A.34.060) Review process. A. All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:

1. For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit or commercial building permit.

2. When the primary proposal requires a public hearing under this code or KMC Title 17, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of RDI;

3. When the primary proposal does not require a public hearing under this code or KMC Title 17, the RDI proposal shall be subject to the decision criteria for conditional use permits outlined in Chapter 18.95 KMC and to the procedures set forth for director/adjustor review in this title; and

4. The notice for the RDI proposal also shall include the development's proposed density and a general description of the public benefits offered to earn extra density.

B. RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the applicable receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization.

18.80.070 (formerly 21A.34.070) Minor adjustments in final site plans. When issuing building permits in an approved RDI development, the department may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

A. Increase the number of dwelling units;

B. Decrease the amount of perimeter landscaping (if any);

C. Decrease residential parking facilities (unless the number of dwelling units is decreased);

D. Locate structures closer to any site boundary line; or

E. Change the locations of any points of ingress and egress to the site.

18.80.080 (formerly 21A.34.080) Applicability of development standards. A. RDI developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI development; provided, that an RDI proposal in the R-4 through R-6 zone shall conform to the height requirements of the underlying zone in which it is located.

B. RDI developments in the R-4 through R-6 zones shall be landscaped as follows:

1. When 75 percent or more of the units in the RDI development consists of townhouses or apartments, the development shall provide perimeter landscaping and tree retention in accordance with Chapter 18.40 KMC for townhouse or apartment projects.

2. When less than 75 percent of the units in the RDI consists of townhouses or apartments, the development shall provide landscaping and tree retention in accordance with Chapter 18.40 KMC for townhouses or apartments on the portion(s) of the development containing such units; provided, that if buildings containing such units are more than 100 feet from the development's perimeter, the required landscaping may be reduced by 50 percent.

3. All other portions of the RDI shall provide landscaping or retain trees in accordance with Chapter 18.40 KMC.

C. RDI developments in all other zones shall be landscaped or retain trees in accordance with Chapter 18.40 KMC.

D. RDI developments shall provide parking as follows:

1. Projects with 100 percent affordable housing shall provide one off-street parking space per unit. The director may require additional parking, up to the maximum standards for attached dwelling units, which may be provided in common parking areas.

2. All other RDI proposals shall provide parking for:

a. market rate/bonus units at levels consistent with 18.45 KMC, and

b. benefit units at ~~50 percent of the levels required for market rate/bonus units:~~

i. 1 or 2 bedrooms: 1 parking space per unit

ii. 3 bedrooms: 1.5 parking spaces per unit

iii. Parking may be further reduced if a parking demand analysis is provided per KMC 18.45.030(B).

E. RDI developments shall provide on-site recreation space as follows:

1. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in 18.35 KMC.

2. All other RDI proposals shall provide recreation space for:

- a. market rate/bonus units at levels consistent with 18.35 KMC, and
- b. benefit units at 50 percent of the levels required for market rate/bonus units.

AFFORDABLE HOUSING AMENDMENTS

New Section: AFFORDABLE HOUSING – PURPOSE AND INTENT

The purpose of this Section is to implement, through regulations, the responsibility of the City under the Washington State Growth Management Act to consider the housing needs of all economic segments of the community, and to assure an adequate affordable housing supply in the City. The City recognizes that the marketplace is the primary supplier of adequate housing for those in the upper economic groups, but that some combination of appropriately zoned land, regulatory incentives, innovative planning techniques, and requirements will be necessary to make adequate provisions for the needs of households whose incomes are at or below median income.

New Section: APPLICABILITY

The provisions of this section shall apply to multifamily residential developments proposed on property 4 acres or greater in size within the Downtown Residential or Downtown Commercial zones that lie west of NE 68th Avenue NE, and which are providing for more than 20 multifamily dwelling units.

New Section: REQUIREMENTS

- a. Affordable housing units amounting to 25% of the total number of units in the development shall be provided. Rents shall be affordable to those who make equal to or less than 50% of the King County median income; or
- b. In lieu of “a”, a comparable level of benefit may be provided as determined by the City; for example providing ownership housing affordable to those earning equal to or less than 80% of the median income at rates recognizing the difficulty in providing the units at the particular affordability level.
- c. Unit size mix shall be comparable to the market mix, units shall be integrated into the whole development, and affordable units shall match the tenure of the whole development, unless otherwise authorized by the City.
- d. Subject to City authorization, the affordable units need not be provided within the development, but must be provided within the Downtown Commercial, Downtown Residential, or Regional Business Zone. Units may be either rented or sold. Offsite affordable housing may be provided if the City finds that: a) the location chosen does not lead to undue concentration of affordable housing in any particular area of the City; and b) the site is within close proximity to employment opportunities and/or transit services; and c) adequate infrastructure and municipal services can be provided.
- e. Monthly rents, including utilities where applicable, shall be no greater than 30% of the monthly income for households earning 50% of the King County median income adjusted for household size. Sold units shall be sold to buyers earning equal to or less than 80% of the King County median income. Home prices considered affordable shall be determined by the City. Covenants shall be established which guarantee the fulfillment of this obligation.

TRIGGERS TO APPLY DEVELOPMENT STANDARDS DISCUSSION

While it is clear that new development is subject to development and design standards in place at the time of application, the extent to which existing building expansions or remodeling is subject to requirements can vary from community to community. The degree to which existing building expansions or remodeling is addressed is a function of a balance between a property owner's calculations of costs to comply with newer standards versus retaining their site in its present condition, and market forces to attract customers/clients in a competitive market by modernizing. The City may play a role in a market where the costs of complying with regulations may be greater than the benefit of additional business likely to come from modernization, such as reduced or waived permit fees, loan pools, etc.

As part of Plan implementation, the Downtown Plan includes the concept of proportional compliance, which is intended to provide some flexibility for improvements to existing buildings or sites – that is existing business/property owners making improvements may not trigger full compliance with standards. It would apply to design standards and to nonconforming regulations. Unlike other jurisdictions, the Downtown Plan does not reference a specific value triggering compliance (i.e. \$5,000), and in the case of Design Standards made waivers for normal maintenance and repairs. Sample language appears below, but the Nonconforming Regulations in **Section II** and the Kenmore Downtown Design Standards, **Section III**, should be consulted for precise language including any waivers, such as for normal maintenance:

- Unless provisions specifically indicate conditions under which full compliance with standards are required, when expansions are proposed pursuant to subsection 18.75.070.A.1, or B or C, the percentage (by value) of the required code compliance standards to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing lot and structure improvements up to 100 percent; the reviewing official shall have the authority to specify the location and phasing sequence of the required improvements which fall under this section. The percentage (by value) of the required design or development standards to be installed shall be related to the building or site improvement proposed by the applicant.